

# Staff Summary Report - REVISED – PG 6, CONDITON NO. 7 CORRECTED

City Council Meeting Date: 01/10/08

Agenda Item Number: 61

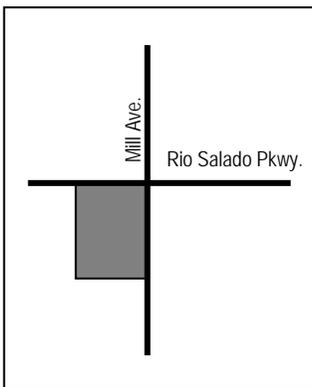
**SUBJECT:** This is the second public hearing for a Planned Area Development Overlay for ONE HUNDRED MILL AVENUE located at 100 South Mill Avenue. **This item was continued by City Council on December 13, 2007.**

**DOCUMENT NAME:** 20080110dsr101 **PLANNED DEVELOPMENT (0406)**  
**SUPPORTING DOCS:** Yes  
**COMMENTS:** Request for **ONE HUNDRED MILL AVENUE (PL070354)** (Michael Monti, property owner; Tony Wall, 3W Companies, applicant) for redevelopment of the existing Monti's La Casa Vieja site, for two new buildings consisting of hotel (300 suites), commercial and residential (230 units), including preservation of a portion of the existing historic building, located at 100 South Mill Avenue in the City Center District, Transportation Overlay District, and a Historic Designated Property. The request includes the following:  
**PAD07021 – (Ordinance No. 2007.67)** Planned Area Development Overlay to modify Transportation Overlay District standards for two (2) buildings with proposed building heights up to 270 feet.  
**A LEGAL PROTEST HAS BEEN FILED IN THIS MATTER; THEREFORE, A 3/4 COUNCIL MAJORITY (6 of 7) IS REQUIRED FOR APPROVAL.** The Development Review Commission (DRC) voted 5-1 in favor of this proposal, with modified conditions, the Historic Preservation Commission voted 7-0 for approval of historic building modification. Staff is recommending approval of the proposal, subject to conditions, recommending reduced heights different from DRC recommendation. An affirmative vote by 6 of the 7 Councilmembers would result in approval of the project as recommended by staff.

**PREPARED BY:** Ryan Levesque, Senior Planner (480-858-2393)  
**REVIEWED BY:** Lisa Collins, Planning Director (480-350-8989)  
**RECOMMENDATION:** Staff – Approval, subject to conditions (1-10)



**ADDITIONAL INFO:** Gross/Net site area 2.51 acres  
**(highlighted information signifies a change from the first public hearing)**



Total Building area	<del>1,071,616 s.f.</del> <b>1,104,400 s.f.</b>
Phase I	<del>514,475 s.f.</del> <b>514,475 s.f.</b>
Phase II	<del>557,141 s.f.</del> <b>589,925 s.f.</b>
Total Residential	<del>230 units (91 du/ac)</del> <b>270 units (108 du/ac)</b>
	- (Phase I – 50 units, Phase II – <del>180</del> 220 units)
Hotel Suites	300 suites
Lot Coverage	80% (No Standard)
Total Proposed Building Height:	
Phase I	<del>300 ft.</del> <b>270 ft. (+25 ft. mechanical screening)</b> (100 ft. max. per TOD)
Phase II	<del>325 ft.</del> <b>270 ft. (+25 ft. mechanical screening)</b> (100 ft. max. per TOD)
As defined in the "Downtown Building Heights Study":	
Phase I	"Heritage Core" 75 ft. w/ 15' step-back @ 50'
Phase II	"Urban Center" 300 ft.
Building setbacks	0' front, 0' side, 0' rear (0, 0, 0 min. per TOD)
Landscape area	<del>35%</del> <b>10%</b> (No Standard)
Total Vehicle Parking:	<del>1,051</del> <b>1,070</b> spaces provided (Phase I – <del>668</del> 519 w/ existing surface lot (169); Phase II - <b>720</b> ) <b>(1,062</b> spaces required per T.O.D. Phase I – <b>784</b> ; Phase II – <b>278</b> )
Total Bicycle Parking:	<del>305</del> <b>341</b> provided (Phase I – 118; Phase II – <del>187</del> 223) ( <del>305</del> <b>341</b> min. required total)

- PAGES:**
1. List of Attachments
  - 2-3. Comments
  4. Conclusion / Reasons for Approval
  5. Previous Conditions
  6. 1/10/08 Conditions of Approval
  7. History & Facts / Zoning & Development Code Reference

- ATTACHMENTS:**
- 1-3. Ordinance No. 2007.67
  - 4-5. Waiver of Rights and Remedies Form
  6. Location Map
  - 7-18. Aerial & Context Photos
  - 19-25. Letter of Explanation
  - 26-27. **Planned Area Development Overlay for 100 MILL (REVISED)**
  28. **Site Plans (REVISED)**
  - 29-35. **Floor Plans (REVISED)**
  - 36-38. **Building Sections (REVISED)**
  - 39-42. **Massing Perspectives (REVISED)**
  43. **Downtown Future Skyline**
  - 44-45. Letter from Downtown Tempe Community (9/25/07)
  - 46-48. Letter from City of Phoenix Aviation Department (10/09/07)
  - 49-50. Letter from DTC Hot Team (10/19/07)
  - 51-53. Historic Preservation Commission Staff Report (11/08/07)
  54. Downtown Tempe, Existing and Approved Building Heights
  - 55-61. Letters of Opposition

## COMMENTS:

### STATUS UPDATE

On January 3, 2008, City of Tempe Development Services and Community Development management met with US Airways representatives to discuss their concerns for the 100 MILL project. Per US Airways the following comments were provided to staff:

- US Airways has no engine out procedure (EOP) right turn over Downtown Tempe. The EOP continues down the Salt River channel.
- Representatives maintain the projects building location is north of the butte and does not place the peak of the Butte in the splay pattern.
- US Airways contention is that ANY structure on Phase II (west building) above 252' and Phase I (east building) above 257', will impact US Airways operations out of Sky Harbor.

The applicant is requesting an approval for a Planned Area Development Overlay for modifications to the general development standards for increase in allowable height and a Use Permit to allow tandem parking, for a project consisting of two high rise buildings proposed in phases. Phase I includes retail, residential and hotel use with a portion of the historic C.T. Hayden house preserved. Phase II (western building) includes commercial and residential. The project is located at the southwest corner of Mill Avenue and Rio Salado Parkway. The site currently includes the existing Monti's La Casa Vieja Steakhouse, the original home of Tempe's founder, Charles Trumbull Hayden, originally built in 1874 including several later additions. Included on the site is additional surface parking to the west. Surrounding the project area, immediately to the west, the U.S. Airways corporate offices. Immediately adjacent to the south is a vacant lot proposed to be developed for the recently approved Gateway Project by Opus. Across the street to the east is the historic icon of the Hayden Flour Mill and Hayden Butte. North and northeast of the site is the Tempe Town Lake with park and recreational amenities and the Hayden Ferry Lakeside development with office and residential buildings.

### Project Analysis

The project consists of two high rise buildings located at the site of Monti's La Casa Vieja (C.T. Hayden House) a historically designated site. Phase I, eastern building, will include demolishing a portion of the Monti's restaurant (approx. 60% of building) which includes later additions, and retention of the original and more historic portion of the site (see history below). The Phase I building will include below grade parking and residential condominium floors above. The ground level building will include retail, hotel lobby and the preserved portion of Monti's at the northeast corner of the site. The Phase II (western building) located at the existing surface parking lot, includes below grade parking, ground floor commercial facing the north, west and south of the property. The building includes residential use floors with parking and amenities. The project intends to revitalize the street grid that was 2<sup>nd</sup> Street and Maple Avenue, providing access to the site along Mill Avenue to the south and Rio Salado Parkway from the north of the site. Two internal access points are provided to the parking garages through an alley between and underneath the two buildings. There are designated drop-off zones for residential to the north and the hotel/residential to the south.

On April 6, 2006, the Central City Development Committee of the Whole, accepted the Community Design Principles document which included a concept study for Downtown Building Heights. This project area, according to the Downtown Building Height Concept Study, identifies the western portion of the site (Phase II) as "Urban Center", suggesting a maximum building height envelope for this location at 300 feet, with no building setbacks. Phase II is in conformance with this height guideline. The eastern building of the site (Phase I), according to the Downtown Building Height Concept Study, identifies this area as "Heritage Core", suggesting a maximum building height of seventy-five (75) feet with a fifteen (15) foot step-back at fifty (50) feet. Phase I of this project is not in conformance with the Downtown Building Height Concept Study.

Staff recommends a building height for Phase I (eastern building) that steps the buildings mass back and reduces the overall height along Mill Avenue, which is more consistent with other projects approved in the surrounding area. For example, the Gateway Project, located just south of One Hundred Mill, has a building height fronting Mill Avenue at thirty-two (32) feet, stepping back ten (10) to twenty-four (24) feet from the street edge, with an overall building height of one hundred thirty-two (132) feet. The Flour Mill Project, located at the southeast corner of Mill Avenue and Rio Salado Parkway, includes a single story building mass of approximately eighteen (18) feet in height with the building stepping back at least forty to fifty (40-50) feet from the building façade to a height of eighty-seven (87) feet. The Flour Mill silos are setback even further, at a height of one hundred sixty-one (161) feet above street grade. The final phase of the Hayden Ferry Lakeside office building (not built) which will reside at the northeast intersection of Rio Salado and Mill Avenue, has a building height of one hundred seventy-two (172) feet. Tempe Hayden Butte measured at 5<sup>th</sup> & Mill

has an overall height of three hundred thirty-three (333) feet. See Attachment, identifying existing and approved heights within the downtown.

As a result of the surrounding development context and landmarks, a more appropriate height and step-back for Phase I, excluding the historic building, should emulate the "Mill Avenue Corridor", as identified for the site south of this project with a maximum building height of one hundred fifty (150) feet with street front step-backs. Staff, with the approval of the Historic Preservation Commission, was able to work with the developer to redesign the project and pull the new building away from the historic one level adobe structure. This change resulted in a Phase I building size reduction of almost 100,000 sq. ft. In consideration to this change, staff recommends a height between the "Urban Center" for Phase II and the "Mill Avenue Corridor" heights identified in the Downtown Building Heights Concept Study, recognizing the context of either sides of the Mill Avenue streetscape and overall relation with the Tempe Hayden Butte. To date, no other project along Mill Avenue has exceeded a building height of two hundred (200) feet.

## History

La Casa Vieja (the old house in Spanish) was built in 1873. The original structure was a residence for Charles Trumbull Hayden and his family. The original house was a single-story row house constructed of adobe in the Sonoran style by Hayden and his Mexican American workers. Prior to 1883, the house consisted of 13 rooms located in an "L" shaped plan. The house spanned a distance of 80 feet along the Mill Avenue frontage and 120 feet along First Street (Rio Salado Parkway). During the period of 1876-1883, a second story of adobe was built over the room at the north end of the house. In this same period, three rooms were built to create the west wing. The Hayden Family moved from the adobe house in 1889 at which time the house began 35 years of use as a boarding house. In 1893, a frame second story was added to the west wing. Over time, La Casa Vieja started to deteriorate; by 1920, the building was in very bad condition. At this time, Charles Hayden's daughters, Sallie and Mary, planned to renovate the building and take it back to its original Mexican adobe design. In 1924, Sallie and Mary Hayden hired Robert T. Evans, a prominent Phoenix architect, to begin what would be the first restoration of an historic house in Arizona. Evans removed the upper story and restored the plastered adobe walls. The Hayden sisters opened a tea house and restaurant in the refurbished landmark known as La Casa Vieja, or "the old house." La Casa Vieja survives as an important example of rare architectural materials and methods which document the building's evolution from a traditional Mexican row house (1873-1889), to its subsequent use as a boarding house (1830-1924), through its restoration to a restaurant (1924-present).

Alterations during this period included the removal of the westernmost adobe room (1892), and the addition of a frame second story above the remainder of the west wing (1893). Deterioration of the property was in evidence by 1911 and continued through World War I until 1921 when the house was upgraded. In 1924, formal rehabilitation of the house was initiated for use as a restaurant. This stylistic restoration included removal of all second story rooms, demolition of an additional 15-foot of the west wing, and the construction of a new adobe end wall with a curvilinear parapet. The courtyard was used as a dining patio, a river rock fountain was installed, and an adobe wall with a curvilinear parapet was built to enclose the south end. The interior was restored mostly to earlier room configurations with Mission style elements such as plain board wainscoting, and wrought iron light fixtures. A mural depicting Arizona Indians was painted on one of the interior walls circa 1935. The essence of the 1924 restoration remains intact although a contemporary post and beam structural system was added in most rooms. The courtyard was enclosed and is composed of two rooms with various wall finishes.

In 1984, the C.T. Hayden house was placed on the National Register of Historic Places. The property was also listed on the Tempe Historic Property Register in 2000, adopted by City Council. Staff at the time noted several elements within the boundaries of the designated parcel which were considered non-contributing elements. Non-adobe additions to the south of the 1873-1924 portion of the structure, landscaping to the north, the parking lot to the west and south, and the billboard on the north were called out so that future consideration alterations or demolition work limited to a non-contributing elements, would not be subject to review. Constructed at the southwest corner of the intersection of First Street and Mill Avenue, La Casa Vieja marks the 0/0 reference point of the modern street addressing system in Tempe, appropriate as this location is considered to be the birth place of the Community. The house is significant for its continued association over the past 140+ years with the growth of Tempe, and is now the oldest remaining building in the Salt River Valley.

## Public Input

The Zoning and Development Code requires projects that propose a Planned Area Development Overlay to organize a neighborhood meeting in order to facilitate dialogue with the adjacent community prior to public hearings. This project is not located within 300 feet of a residential use, therefore a neighborhood meeting is not required and the applicant did not initiate this process. Stakeholder meetings have been organized by the developer with the Downtown Tempe Community and their development review committee (HOT Team) (see attachment letter on recommendation of project). Their recommendations included comments on "clearances above and around the historic structure" and to include "step backs from the corner of Mill Avenue and Rio Salado Parkway" within the project. It is our understanding that the developer has also met with U.S. Airways representatives, property owners adjacent to this site, and Sky Harbor officials regarding the proposal, which included discussions on proposed heights. On October 9, 2007, staff received a letter from the City of Phoenix Aviation Department regarding the height of development for "One Hundred Mill Avenue" project. The letter encouraged the City of Tempe to limit the allowable maximum height of development below the One-Engine Inoperative departure (see attached letter). **Staff has also received letters of opposition from adjacent property owners requiring a three-fourths (3/4) vote from the City Council for approval of the project.**

## Conclusion

Staff recommends approval of a modified design with building heights and step-backs that are more appropriate in relation with preserving the City's iconic landmark that is the C.T. Hayden House (Monti's), and providing heights in concert with the Downtown Building Heights Concept Study and in context with other adjacent projects in the area. The applicant has pushed the new building back from the historic L-shaped Sonoran row-house building, consistent with recommendations provided by City staff and the Historic Preservation Commission. **Staff recommends approval of the project, subject to conditions that would reduce the projects initial overall height and address other contemplated stipulations previously discussed at the City Council hearing on December 13, 2007.**

## REASONS FOR APPROVAL:

1. The project meets the General Plan Projected Land Use and Projected Residential Density for this site.
2. The PAD overlay process was specifically created to allow for greater flexibility, allowing for increased heights for projects that provide an attractive and harmonious unit of the community.
3. The "Downtown Building Heights Concept Study" anticipates, and supports, a building height of 300 feet for the western building.
4. The "Downtown Building Heights Concept Study" for the eastern portion of the site (Phase I) is not in conformance with the identified height guideline. As conditioned, staff supports a building with a height stepping back along Mill Avenue and an overall height more in relation to development along the "Mill Avenue Corridor".
5. The conditions related to step back design will provide historical recognition to the L-shape Sonoran row house, the oldest remaining portion of the adobe structure, and provide heights compatible with the overall downtown context.

(12/13/07) PREVIOUS STAFF CONDITIONS:

DEVELOPMENT REVIEW COMMISSION RECOMMENDATIONS AS NOTED

- *Prior to the effective date of this ordinance, the property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, or the zoning approval shall be null and void.*
- *The project shall comply with all conditions set forth by the Historic Preservation Commission.*
- ~~*The existing pole mounted sign located above the C.T. Hayden House (Monti's La Casa Vieja) is recognized as a non-contributing element of the historic designation. This sign shall be removed prior to issuance of any demolition permits for the site.*~~ **(DELETED BY DEVELOPMENT REVIEW COMMISSION)**
- *Phase I (eastern building) maximum building height **INCLUDING MECHANICAL EQUIPMENT**, shall be two hundred twenty-five (225) feet. **(RECOMMENDED BY DEVELOPMENT SERVICES DEPARTMENT)***

**OR**

- Phase I (eastern building) maximum building height **INCLUDING MECHANICAL EQUIPMENT**, shall be **THREE HUNDRED (300) feet. (MODIFIED BY DEVELOPMENT REVIEW COMMISSION)***
- *Phase I historic building to remain, shall have no additional height above the roof of the historic L-shaped Sonoran row-house portion of the building located along Mill Avenue and Rio Salado Parkway at its historic depth (approximately 20' along each frontage). Any building mass located directly above the enclosed courtyard portion of the building shall have a maximum height of seventy-five (75) feet.*
- *Phase I, south of historic building to remain, with building height exceeding fifty (50) feet, shall be setback along Mill Avenue, approximately fifteen (15) feet from the property line.*
- *Phase I building height exceeding seventy-five (75) feet, shall be setback along Mill Avenue, approximately twenty-five (25) feet from the property line.*
- *Phase II (western building) maximum building height **INCLUDING MECHANICAL EQUIPMENT**, shall be three hundred twenty (320) feet. **(MODIFIED BY DEVELOPMENT REVIEW COMMISSION)***
- *An Amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits. A Condominium Plat shall be recorded prior to an occupancy permit.*
- *The Planned Area Development Overlay shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.*

**JANUARY 10, 2008**

**CONDITIONS OF APPROVAL:** (New or modified conditions noted in bold)

1. Prior to the effective date of this ordinance, the property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, or the zoning approval shall be null and void.
2. The project shall comply with all conditions set forth by the Historic Preservation Commission.
3. **Phase I (eastern building) maximum building height shall be two hundred seventy (270) feet.**
  - a. **The maximum building height shall include all mechanical, screening devices and other structures on the building.**
4. Phase I historic building to remain, shall have no additional height above the roof of the historic L-shaped Sonoran row-house portion of the building located along Mill Avenue and Rio Salado Parkway at its historic depth (approximately 20' along each frontage). Any building mass located directly above the enclosed courtyard portion of the building shall have a maximum height of seventy-five (75) feet.
5. Phase I, south of historic building to remain, with building height exceeding fifty (50) feet, shall be setback along Mill Avenue, approximately fifteen (15) feet from the property line.
6. Phase I building height exceeding seventy-five (75) feet, shall be setback along Mill Avenue, approximately twenty-five (25) feet from the property line.
7. **Phase II (western building) maximum building height ~~(top of roof)~~ shall be two hundred seventy (270) feet.**  
**CORRECTED BY DEVELOPMENT SERVICES DEPARTMENT**
  - a. **The maximum building height shall include all mechanical, screening devices and other structures on the building.**
8. An Amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits. A Condominium Plat shall be recorded prior to an occupancy permit.
9. The Planned Area Development Overlay shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
10. **The applicant shall work with Development Services Manager or designee to determine the final allocation of parking for all phases of the project prior to the issuance of any building permits.**

## HISTORY & FACTS:

1873	La Casa Vieja built for Charles Trumbull Hayden and his family.
1889	The Hayden Family moved from the adobe house which at that time it became known as La Casa Vieja ("the old house") and was used by the Hayden Family as a boarding house.
November 26, 1894	Tempe's original township established.
1924	Formal rehabilitation of the house for use as a restaurant was initiated.
October 10, 1984	C. T. Hayden House [Monti's La Casa Vieja] is listed in the National Register of Historic Places. Building - #84000173
August 20, 1999	Tempe Historic Preservation Office received a nomination and request from Michael Monti (Owner) for historic property designation and listing in the Tempe Historic Property Register for Monti's La Casa Vieja, located at 1 West Rio Salado Parkway.
October 14, 1999	Tempe Historic Preservation Commission recommends to Planning & Zoning Commission and City Council that Monti's La Casa Vieja be designated an historic property and listed in the Tempe Historic Property Register.
December 14, 1999	Tempe Planning & Zoning Commission recommends to City Council that Monti's La Casa Vieja be designated an historic property and listed in the Tempe Historic Property Register.
January 20, 2000	City Council designates the C. T. Hayden House / Monti's La Casa Vieja 1871-73 / 1924 / 2000 as Tempe Historic Property Register property number 11.
September 18, 2007	Historic Preservation Commission received a presentation from the applicant on the proposed development for One Hundred Mill Avenue (informational only)
September 25, 2007	Presentation provided by the applicant for the development of One Hundred Mill Avenue at the Development Review Commission Study Session (informational only)
October 18, 2007	Historic Preservation Commission continued the request for modifications to the C.T. Hayden House, Tempe Historic Property Register #11.
October 23, 2007	Development Review Commission granted acceptance of the applicant's request for continuance for ONE HUNDRED MILL to the next scheduled public hearing.
November 8, 2007	Historic Preservation Commission approved the request for modifications to the C.T. Hayden House, Tempe Historic Property Register #11, related to the development of the ONE HUNDRED MILL project.
November 13, 2007	Development Review Commission recommended approval of the Planned Area Development Overlay for ONE HUNDRED MILL and continued a use permit to allow tandem parking, to be included with the development plan.
December 6, 2007	City Council introduced and held the first public hearing for a Planned Area Development Overlay for ONE HUNDRED MILL.
December 13, 2007	City Council held the second public hearing and continued the request of a Planned Area Development Overlay for ONE HUNDRED MILL (6-0 vote, Councilmember Ellis absent).

## ZONING AND DEVELOPMENT CODE REFERENCE:

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**ORDINANCE NO. 2007.67**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING MAP, PURSUANT TO THE PROVISIONS OF ZONING AND DEVELOPMENT CODE PART 2, CHAPTER 1, SECTION 2-106 AND 2-107, RELATING TO THE LOCATION AND BOUNDARIES OF DISTRICTS.**

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

**Section 1.** That the City of Tempe Zoning Map is hereby amended, pursuant to the provisions of Zoning and Development Code, Part 2, Chapter 1, Section 2-106 and 2-107, by removing the below described property from the CC, City Center District and designating it as CC(PAD), City Center District with a Planned Area Development Overlay and an Historic Designated Property on 2.51 acres.

LEGAL DESCRIPTION

PARCEL NO. 1:

LOTS 1 TO 11, INCLUSIVE AND LOTS 14 AND 15, PLAT OF BLOCK 67 AND SUBDIVISION OF BLOCK 66, TEMPE, ACCORDING TO BOOK 8 OF MAPS, PAGE 1, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2:

LOTS 12 AND 13, PLAT OF BLOCK 67 AND SUBDIVISION OF BLOCK 66, TEMPE, ACCORDING TO BOOK 8 OF MAPS, PAGE 1, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 3:

THE SOUTH 72 FEET OF THE EAST 137.5 FEET OF BLOCK 66, TEMPE, ACCORDING TO BOOK 2 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPT ALL OIL, GAS AND OTHER MINERAL RIGHTS IN OR UNDER SAID PROPERTY TOGETHER WITH THE EXCLUSIVE RIGHT TO USE SUCH PORTION OF SAID PROPERTY LYING MORE THAN 500 FEET BELOW THE SURFACE FOR THE EXTRACTION OF OIL, GAS AND MINERALS; HOWEVER, WITH NO RIGHTS OF SURFACE ENTRY WHATSOEVER AS RESERVED IN DEED RECORDED IN DOCKET 8063, PAGE 884, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 4:

THE NORTH 28 FEET OF THE SOUTH 100 FEET OF THE EAST 137.5 FEET OF BLOCK 66, TEMPE, ACCORDING TO BOOK 2 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPT ALL OIL, GAS AND OTHER MINERAL RIGHTS IN OR UNDER SAID PROPERTY TOGETHER WITH THE EXCLUSIVE RIGHT TO USE SUCH PORTION OF SAID PROPERTY LYING MORE THAN 500 FEET BELOW THE SURFACE FOR THE EXTRACTION OF OIL, GAS AND MINERALS; HOWEVER, WITH NO RIGHTS OF SURFACE ENTRY WHATSOEVER AS RESERVED IN DEED RECORDED IN DOCKET 8063, PAGE 884, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 5:

THOSE PORTIONS OF MAPLE AVENUE AND SECOND STREET ABANDONED BY ORDINANCE NO. 842 OF THE CITY OF TEMPE AND RECORDED IN DOCKET 13428, PAGE 487, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF MAPLE AVENUE LYING NORTH OF THE CENTERLINE OF SECOND STREET AND SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF FIRST STREET AS SHOWN ON MAP OF TEMPE, BOOK 2 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPT THE WEST HALF OF MAPLE AVENUE;

THAT PORTION OF SECOND STREET LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF MILL AVENUE AND EAST OF THE CENTERLINE OF MAPLE AVENUE;

EXCEPT THE SOUTH HALF OF SECOND STREET.

PARCEL NO. 6:

THAT CERTAIN NORTH-SOUTH ALLEY IN BLOCK 66, TEMPE, ACCORDING TO BOOK 8 OF MAPS, PAGE 1, RECORDS OF MARICOPA COUNTY, ARIZONA, AS ABANDONED BY ORDINANCE NO. 95-09 OF THE CITY OF TEMPE AND RECORDED IN DOCUMENT NO. 95-163670;

EXCEPT AS TO ALL PARCELS ANY PORTION OF THE PROPERTY CONVEYED TO THE CITY OF TEMPE IN RECORDING NO. 98-0649301 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF LOT 11, BLOCK 66, AS SHOWN ON THE PLAT OF TEMPE AS RECORDED IN BOOK 2 OF MAPS, PAGE 26 AND AMENDED IN BOOK 8 OF MAPS, PAGE 1, AND THE ADJACENT ABANDONED RIGHT-OF-WAY OF MAPLE AVENUE AS RECORDED IN DOCKET 13428, PAGE 487, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY RIGHT-OF-WAY LINE OF FIRST STREET AT THE NORTHEAST CORNER OF OFFICE PLAZA 222 AS RECORDED IN BOOK 236 OF MAPS, PAGE 48, RECORDS OF MARICOPA COUNTY, ARIZONA; THENCE NORTH 89° 50' 54" EAST, A DISTANCE OF 142.31 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE; THENCE SOUTH 83° 16' 56" WEST, A DISTANCE OF 131.76 FEET TO A TANGENT CURVE; THENCE SOUTHWESTERLY, A DISTANCE OF 11.46 FEET ALONG THE ARC OF SAID CURVE, BEING CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 544.58 FEET, THROUGH A CENTRAL ANGLE OF 01° 12' 21" TO THE EAST LINE OF SAID OFFICE PLAZA 222; THENCE NORTH 00° 13' 59" WEST, A DISTANCE OF 16.26 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

DESCRIBED PROPERTY BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA AND COMPRISING AN AREA OF 109,293 SQUARE FEET OR 2.5090 ACRES MORE OR LESS.

**Section 2.** Further, those conditions of approval imposed by the City Council as part of **Case PAD07021** are hereby expressly incorporated into and adopted as part of this ordinance by this reference.

**Section 3.** Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

WHEN RECORDED RETURN TO:

**WAIVER OF RIGHTS AND REMEDIES  
UNDER A.R.S. §12-1134**

This Waiver of Rights and Remedies under A.R.S. § 12-1134 (Waiver) is made in favor of the City of Tempe (City) by \_\_\_\_\_ (Owner/s).

Owner acknowledges that A.R.S. § 12-1134 provides that in some cases a city must pay just compensation to a land owner if the city approves a land use law that reduces the fair market value of the owner's property (Private Property Rights Protection Act).

Owner further acknowledges that the Private Property Rights Protection Act authorizes a private property owner to enter an agreement waiving any claim for diminution in value of the property in connection with any action requested by the property owner.

Owner has submitted Application No. PL070354 to the City requesting that the City approve the following:

- GENERAL PLAN AMENDMENT
- ZONING MAP AMENDMENT
- PAD OVERLAY
- HISTORIC PRESERVATION DESIGNATION/OVERLAY
- USE PERMIT
- VARIANCE
- DEVELOPMENT PLAN REVIEW
- SUBDIVISION PLAT/CONDOMINIUM PLAT
- OTHER \_\_\_\_\_  
*(Identify Action Requested)*

for development of the following real property (Property):

Parcel No. \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

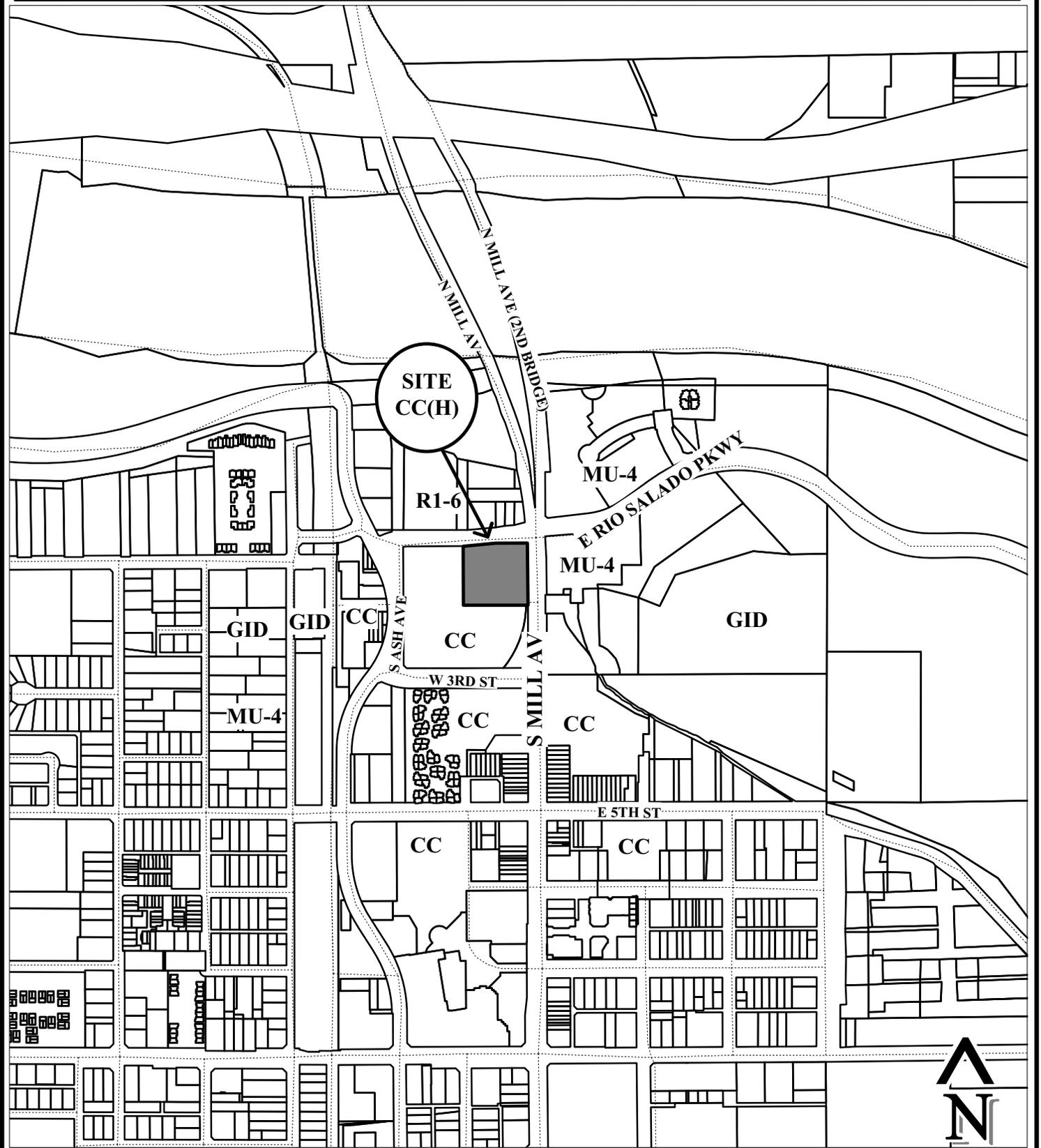
\_\_\_\_\_

*(Legal Description and Address)*



ONE HUNDRED MILL AVENUE

PL070354





ONE HUNDRED MILL AVE (PL070354)



To Be Demolished



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**One Hundred Mill Avenue**  
 Tempe, AZ  
06/03  
 16/SEP/07

Architectural  
 Site Planning  
 Landscape Architecture  
 Urban Planning  
 Urban Design  
 Public Art



To Be Demolished



37

To Be Demolished



38

To Be Demolished



39

To Be Demolished



40

ATTACHMENT 9



CONSTRUCTION  
CONSTRUCTION  
CONSTRUCTION  
CONSTRUCTION  
CONSTRUCTION  
CONSTRUCTION

One Hundred Mill Avenue  
Tempe, AZ  
06/03  
16/SEP/07

Demolition  
Photos



1



2



3



4



5



6



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8



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environmental  
solutions  
water planning  
soil & water  
pollution management  
site planning  
water resources  
utility design

**One Hundred Mill Avenue**  
Tempe, AZ  
06/03  
10/27/07

### Context



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## **General Overview of Request**

One Hundred Mill Avenue, LLC (the “Developer”) is proposing a Planned Area of Development Overlay (the “PAD”) to the Monti’s La Casa Vieja site. The proposed PAD encompasses approximately 2.5 acres. The subject property is bounded by Rio Salado Parkway to the north, Maple Avenue to the west, Second Street to the south, and Mill Avenue to the east (the “Project” within the City of Tempe (the “City”). Specifically, the Project is located on Parcels 1, 2, 3, 4, 5, and 6 of the Monti’s La Casa Vieja plat recorded in Book 132, Map 29, Parcels 171A through 174A, 176, and 177, Maricopa County Records and as depicted on the attached Site Plan.

The purpose of this PAD application (the “Application”) is to permit the construction of (i) a hotel and residential building to a height of 296 feet to the roof deck, (ii) a high-rise residential building to a height of 300 feet to the roof deck, and (iii) commercial uses on the ground level, as described more fully under Planned Land Uses of this Project Narrative.

## **Planned Land Uses**

The planned land uses for the PAD incorporate residential, hospitality and commercial uses within 2 new buildings. The existing restaurant will remain and be enhanced, as described in the Project History and Preservation section of the Project Narrative. Phase One of the Project will be 25 stories, reaching a maximum height of 296 feet to the top of the roof deck and 316 feet to the top of the penthouse overrun. The Phase One building will provide hotel rooms on floors 7 to 17 and residential units on the remaining eight floors. Phase Two of the Project will be 26 stories, reaching a maximum height of 300 feet to the top of the roof deck and 325 feet to the top of the penthouse overrun. Phase One will sit on a 5 story parking structure and will provide new commercial space along the ground floor. Phase Two will sit on a 4 story parking structure and will provide new commercial space along the ground floor. The 5<sup>th</sup> floor will be used as an amenity deck for the Phase Two residential tower as well as provide additional residential units. Both towers will provide amenity decks on the roof as well.

### **Residential:**

The Site was originally the home of C.T. Hayden and his wife Sallie, bringing back the residential component to the site seems quite appropriate. The proposed development will provide 265 new residential units to the site within the two, new buildings. The intended units will provide a diverse mix of sizes, adding to the already flourishing residential market in Tempe.

### **Commercial:**

The existing restaurant (Monti’s La Casa Vieja) will remain and be renovated, and maintain its National Historic status for the future. In addition to the existing restaurant, the proposed development will provide 9,745 square feet of restaurant space and 14,570 square feet of commercial space, doubling the amount of commercial opportunities on the current site.

**Hotel:**

The original residence was converted into a hotel in the mid-1870s by C.T. Hayden and his wife, returning that component to the site also pays homage to the history of the area. The addition of approximately 300 hotel rooms to the area adjacent to Tempe Town Lake will provide visitors with the opportunity to experience not only the views and amenities of Tempe Beach Park, but the Downtown area of Tempe and the beauty of the natural landscapes that surround the Greater Phoenix Metropolitan Area. The hotel's centralized location allows for easy access to the freeway system and forthcoming light rail transit system.

**Compatibility with Surrounding Properties**

The proposed development, One Hundred Mill Avenue, is very consistent and compatible with the developments in the surrounding areas in regards to use, height and density. It is the intention of the development to take advantage of all the renewed activity along the Mill Avenue Corridor and the Rio Salado Parkway as well as opportunities that the light rail transit system will provide to the owners, occupants, and visitors to the area. Benefits of this site include its proximity to retail, dining, office, hotel and entertainment areas within walking distance, not to mention the events that take place along the Tempe Town Lake and Beach Park. With all the pieces and parts in place, this development only enhances Tempe as one of the premiere destinations in the Valley.

Comparable projects both planned and under construction, are:

- Hayden Ferry Lakeside
- Marina Heights – East and West
- Centerpoint Condominiums
- Centerpoint on Mill
- The Orchid House/The Brickyard
- Mosaic
- University Square

All of the above projects have components similar in scope, scale and density to this Project.

**Conformance with the General Plan**

The proposed PAD is consistent with the City of Tempe General Plan 2030 (the "General Plan") for this site. The existing land use designation on the Property is Commercial, allowing a host of work related uses, such as, retail, service and light industrial and medical uses. The City of Tempe General Plan Land use designation for this site is MU – Mixed-Use and High Density Residential (25+ DU/acre). The proposed design accommodates hospitality, residential, retail and restaurant uses, with the residential density ranging around 115 DU/acre. The desire of the General Plan to create a vital urban environment seems easily attainable with a residential density of 115 DU/acre in conjunction with the surrounding employment and entertainment venues.

## **Compatibility to Existing Zoning/Development Standards**

The Project sits within the CC Zoning District, which permits commercial and residential uses by right. Commercial uses such as restaurants, retail, and hotel uses are permitted by right. The residential density requirement, as defined by the City of Tempe Ordinance, is NS – No Standard. Under this designation the residential density must conform to the guidelines set forth on the Density Map within the General Plan. As previously stated, this site is designated as a High Density area, which allow for a maximum density of 25+ DU/acre.

The maximum allowable height for buildings within the CC Zoning District is fifty feet (50'), with a maximum height of one hundred fifty feet (150') along the Mill Avenue Corridor. It is the intention of the PAD to amend the development standards to increase the maximum allowable height to three hundred feet (300') for the entire Project, as described under the Planned Land Uses section of this Project Narrative.

The Project has proposed tandem parking to help achieve its parking requirements. This request for a Use Permit to allow the tandem parking is critical to the viability of Phase One due to the space limitations inherent to the preservation of Monti's. The preservation of Monti's also limits site access (ingress and egress) and circulation around the site because of some of the structural requirements to span the new building over the existing restaurant. In addition, the areas that have designated to allow tandem parking spaces are in the below grade parking structure and are allocated for residential (ownership) and valet uses only – there will not be any public access to these areas.

## **Process**

The proposed PAD seeks approval of the above requested modifications to the development standards for One Hundred Mill Avenue. Specific building designs and site plans will be submitted in the future as part of the Development Plan Review process as established in the Tempe Development Code. This Application sets forth the generalized development concept within the Developer's standard of development excellence. Details on architecture and place making will be reviewed in the future with the hopes that this Project will trigger significant investment within downtown Tempe and Tempe Town Lake areas.

## **Tandem Parking Use Permit**

The proposed PAD seeks approval for a use permit to provide tandem parking spaces in the underground garages for both phases. The tandem parking spaces will be dedicated to the condominium owners and inaccessible to the public at large. Each unit will have one or two tandem parking spaces depending on the zoning requirements.

## **Development Plan Review Criteria**

The following section addresses the Project's development and design strategy as it relates to the Development Plan Review Criteria as set forth by the City of Tempe.

**Shade:**

Shade will be provided within and around the site by a combination of man-made and natural elements. Arcaded walks are proposed along Mill Avenue and Rio Salado Parkway as well as enhanced landscape areas that will encircle the project.

**Materials:**

The materials selected for the two towers and their related parking structures will be metal and glass with accents of architectural concrete that will be complimentary to the existing and proposed buildings within the area. The tinted and clear glazing will allow for views across Tempe Town Lake and into Downtown. The lines and mass of the buildings are clean, 21<sup>st</sup> Century modern that encompass Tempe’s vision for the future.

**Building and Landscape elements:**

The architectural elements of the Project conform to the Mill Avenue Corridor Development Guidelines and allow for the division of the massing to a scale more appropriate to the pedestrian and vehicular traveler. The landscape elements will follow the established aesthetic of Mill Avenue with the continuation of the tree line from Downtown north to the Lake/Beach Park area. Benches and bike racks placed in and around the Project will provide ample places of rest along the pedestrian paths.

Additionally, landscape and hardscape elements (textures and colors) will be used to compliment the architectural diversity of the Project as well as help clearly define areas of pedestrian circulation from vehicular circulation, enhancing the safety of all potential users of the project.

**Building Mass and Articulation:**

The building mass of Phase One is strategically divided to maximize and frame views and provide logical delineation between programmatic uses that help reduce the building’s impact on the corner of Rio Salado Parkway and Mill Avenue.

The building mass of Phase Two is less divided than Phase One but the oval, curvilinear form of the tower strives to visually reduce its perceived mass. As was proposed for Phase One, Phase Two also tries to maximize the views of the Lake and the Beach Park and the Downtown area. The massing of Phase One is dynamically angled and features setbacks to address views of Mill Avenue.

Both buildings provide new ground floor retail/restaurant space that helps “soften” the impact of the mass of the buildings above. In addition, the transparency of store front windows and outdoor seating areas at grade level adds to the natural level of surveillance and security to the Project. The main body of each tower is articulated to demonstrate a separation in programmatic use and the roof/mechanical areas are properly screened to function as an integral part of the design, not an additive element. All roof areas are treated as occupied roof gardens/decks and green roofs.

**Access, Circulation and Transportation:**

As discussed above the design will incorporate multiple textures and colors to help define and direct visitors, residents and workers as they circulate in and around the site. Clearly defined and well lighted paths will connect the entries of each building to the

adjacent sidewalks and neighboring buildings as well as to each other, making circulation around the site safe and convenient.

To take advantage of Tempe’s outlook and provisions for disabled persons, all walks, drives and parking areas, etc. will conform to the requirements set forth in the Americans with Disabilities Act (ADA) for common paths of travel, percentage of slope, etc. making the Project as user-friendly as possible.

The Project is located one block north of the light rail station along Third Street, which is a tremendous amenity to the owners, visitors and workers that will inhabit the site. A conscious effort will be made to connect the Project to the Station to increase rider ship and viability of the Light Rail system.

### **Public Communication and Community Outreach**

From the initial public release of information that the property was being sold and a new development proposed, the dialogue with the greater Tempe community has been consistent and productive. Calls to the Monti’s ownership, meetings with individuals and small groups have been ongoing. The restaurant ownership hosted an open house and tour of the historic property and defined the areas to be saved and those to be deleted in the new development. All of this communication has been productive and has resulted in a positive feeling about the opportunity to save the restaurant and the development of the new project.

The DTC Hot Team has reviewed the project and has made very positive comments regarding the plans that are in place. The Hot Team recognized the issues of pedestrian friendly planning, the gateway that the project provides to the City and the preservation issues that the project provides.

The project has been presented to the Tempe Historical Preservation Committee. The Development Team feels that the HPC comments and interaction were positive and supportive of our efforts. An element of trust has developed with the HPC that the historic building will be protected and that Monti’s restaurant will return in the redevelopment effort.

### **Project History and Preservation (1)**

The site which Monti’s La Casa Vieja sits is considered one of the oldest pieces of development in the City of Tempe. The structure that stands was the original homestead of Charles Trumbull Hayden, built in 1871, and is the oldest continuously occupied structure in the Phoenix Metropolitan area. In 1876, the residence was converted into a hotel, blacksmith, post office and general store, creating the community that became known as “Hayden’s Ferry.” In the 1890s C.T. Hayden and his family moved into a different home, still operating the hotel/restaurant dubbing it “la Casa Vieja” (the old home) a name that has stuck ever since. There were several additions and renovations done to the original structure over the years but in 1984 the original adobe structure was placed on the National Historic Register of Historic Places.

The architectural, cultural and historic significance of this house and site to the City of Tempe and the Phoenix Metropolitan area is undeniable. For this reason it is the intention of the Developer to protect and preserve the original building prior to and during construction, with the ultimate goal to repair and restore the existing adobe walls to their original splendor. The proposed design calls for a structural deck that will provide a clear span over the existing restaurant avoiding any potential intrusion into the original adobe building. The original ceilings, structure and architectural elements will be preserved and refurbished at the end of the construction of Phase One. In addition, the fountain, original to the Hayden Residence will be preserved and refurbished. The Developer hopes to find artisans qualified to perform all the necessary preservation work to return the original house and all significant architectural, cultural and historical elements to their original condition, enhancing Monti's prominence to the City of Tempe and the Hayden Ferry area.

(1) All historic information was retrieved from <http://www.montis.com/history.php>

### **How project intends to preserve the C. T. Hayden House**

The Development Team has had the preservation of the Hayden House at the top of its priority list throughout the planning process. We have developed plans to span the existing adobe historic structure and to avoid disturbance of the structure. Basically, the historic building becomes a protected envelope during construction. We will pack the adobe walls and protect them on all sides with wood framed coverings. The exterior walls will be repaired in areas that have been damaged from water leaks and aging and resurfaced by artisans to restore an original finish. The interior work to be done becomes a tenant improvement project. The new Monti's restaurant will be updated, but the basic and historic elements of the interior of the building will remain unchanged.

### **How will the existing adobe be preserved?**

Protection of the existing adobe walls during construction is discussed above. The 'packing' of the adobe walls will serve as a protective device during construction. Both the interior and exterior plaster will be repaired and retained. We expect that repair work will be done by hand and by artisans who have experience in working on and over adobe surfaces. At this point, we do not intend to expose the adobe walls. Concerns regarding prior deterioration, the ability of the walls to be protected in the future and the risk of damaging the walls in the exposure process have led us to believe that exposing the adobe is not the best course. The Development Team plans to restore the stucco/plaster finishes to their original form.

### **Justification**

The approval of the PAD will allow One Hundred Mill Avenue to continue the revitalization of the City of Tempe's Town Lake and Beach Park areas as well as help preserve the history captured within the walls of Monti's La Casa Vieja. The following list addresses the appropriateness of the changes being requested:

- a. It is the intent of the development team to retain the original 1872 portion of the existing restaurant building in tact, continuing its place on the National Historic Registry.
- b. It is the intent of the development team to protect and preserve the existing adobe walls in compliance with the Historic Preservation Committee, prior to, during and after the construction of the new buildings. In addition, qualified artisans will be hired to repair, refurbish and reface the existing adobe walls, returning them to the original state.
- c. It is the intent of the development team to leave the existing ceilings in place to protect the adobe walls, latillas, beams and other elements of architectural and historical significance.
- d. It is the intent of the development team to keep the original fountain that resides within the restaurant.
- e. It is the intent of the development team to recognize the people that made the site historic, Charles Trumball Hayden and the Monti family for their development and operation of the historic site.
- f. It is the intent of the development team to return the original uses to the site with a new hotel and residential condominium, as well as return a revitalized Monti's La Casa Vieja to the City of Tempe.
- g. The proposed PAD meets the City of Tempe's General Plan goal of creating innovative ways to energize and revitalize Tempe as well as helping promote a sustainable Downtown.
- h. The proposed PAD will contribute to building a positive sense of place for Tempe by acting as the "gateway" to the Mill Avenue District.
- i. The proposed PAD will help revitalize the downtown area of the City by creating a vibrant connection between Tempe Town Lake, the Beach Park and Downtown.
- j. The proposed PAD will provide a complimentary mixture of residential, commercial and hotel uses to support the activities and continued growth of Tempe Beach Park.
- k. The proposed PAD is consistent with the General Plan regarding use and density and the uses are consistent with and compatible to adjacent and surrounding zoning and uses.
- l. The proposed PAD takes advantage of the Light Rail Transit System that runs just south of the Site along Third Street, increasing the mobility of the inhabitants while reducing the reliance on the automobile.

## **Summary**

One Hundred Mill Avenue is a project that encompasses all that the City of Tempe's General Plan desires from planned developments. If approved the PAD will provide Tempe with opportunities for growth and economic gain while embracing the natural environment in which it resides. With amenities like the Beach Park and Town Lake just across the Rio Salado Parkway and the entertainment area of Downtown with walking distance, this project can truly become the address to have in the Phoenix Metropolitan area.

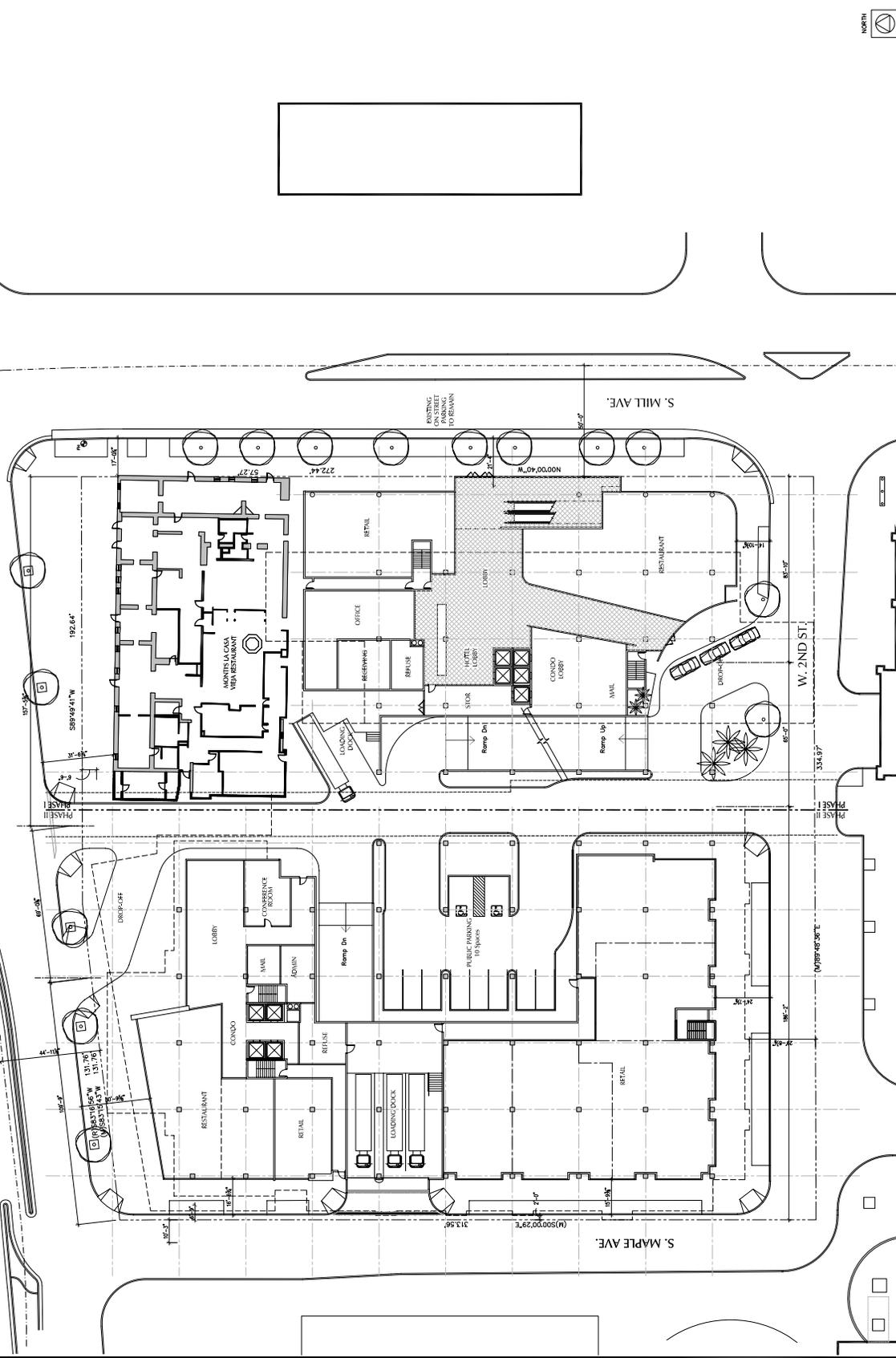
We look forward to working with the City and the community during the processing of this Application and the redevelopment of One Hundred Mill Avenue and respectfully ask for your support and dedication to this project.





# PLANNED AREA DEVELOPMENT OVERLAY FOR "ONE HUNDRED MILL AVENUE"

W. RIO SALADO PARKWAY



DS071054 PAD07021 REC07054

DBD Group Architects  
 60 E. RIO SALADO PARKWAY  
 SUITE 200  
 TEMPE, ARIZONA 85281  
 480.638.1100  
 WWW.THEINEXPERIENCE.COM

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 DRAWINGS FOR  
 DEVELOPMENT APPROVAL  
 ONLY

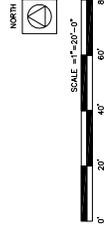
ONE HUNDRED MILL AVENUE  
 3 WEST FIRST STREET  
 TEMPE, ARIZONA

DS071054 PAD07021 REC07054

PAD 10.0

Level 1  
 Ground Floor  
 Retail / Service / Loading

SUBMITTAL  
 21 DEC 2007  
 PROJECT # 06363



# PLANNED AREA DEVELOPMENT OVERLAY FOR "ONE HUNDRED MILL AVENUE"

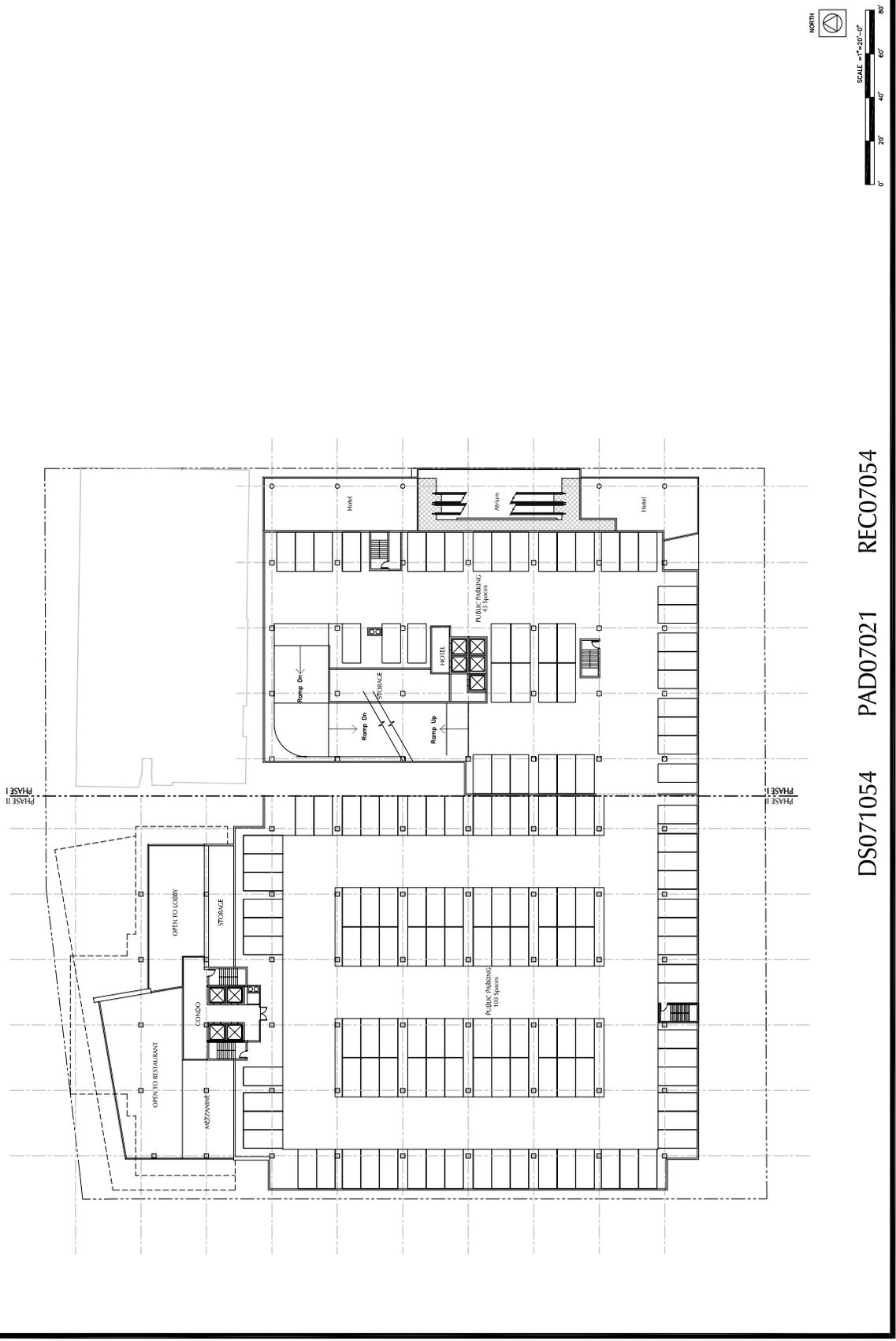
DTD *Design/Build*  
 6150 SALADO PARKWAY  
 SUITE 200  
 TEMPE, ARIZONA 85281  
 480.638.1100  
 WWW.DTDINTEGRITY.COM

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ONE HUNDRED MILL AVENUE  
 3 WEST FIRST STREET  
 TEMPE, ARIZONA  
 DS071054    PAD07021    REC07054

**PAD 11.0**  
 Level 2  
 Residential Tower  
 Hotel  
 Parking

SUBMITTAL  
 21 DEC 2007  
 PROJECT # 06363



DS071054    PAD07021    REC07054

PLANNED AREA DEVELOPMENT OVERLAY FOR "ONE HUNDRED MILL AVENUE"

DDO *Design/Draw/Construct*  
 60 E. RIO SALADO PARKWAY  
 SUITE 200  
 TEMPE, ARIZONA 85281  
 480.638.1100  
 WWW.THEDAVISPERFORMANCE.COM

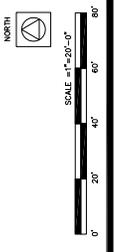
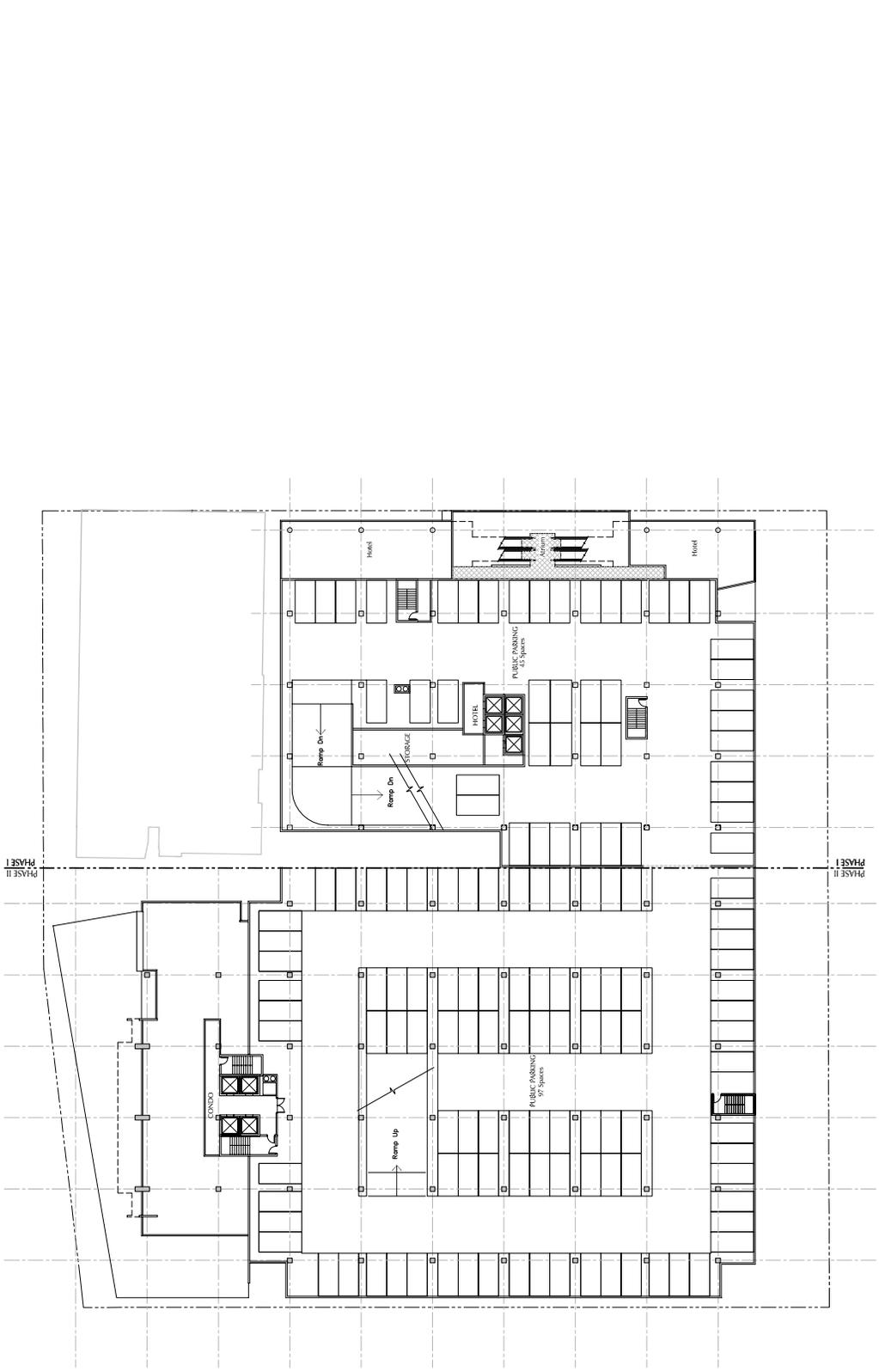
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ONE HUNDRED MILL AVENUE  
 3 WEST FIRST STREET  
 TEMPE, ARIZONA

DS071054 PAD07021 REC07054

PAD 12.0  
 Level 3  
 Residential Tower  
 Hotel  
 Parking

SUBMITTAL  
 21 DEC 2007  
 PROJECT # 06363



DS071054 PAD07021 REC07054

PLANNED AREA DEVELOPMENT OVERLAY FOR "ONE HUNDRED MILL AVENUE"

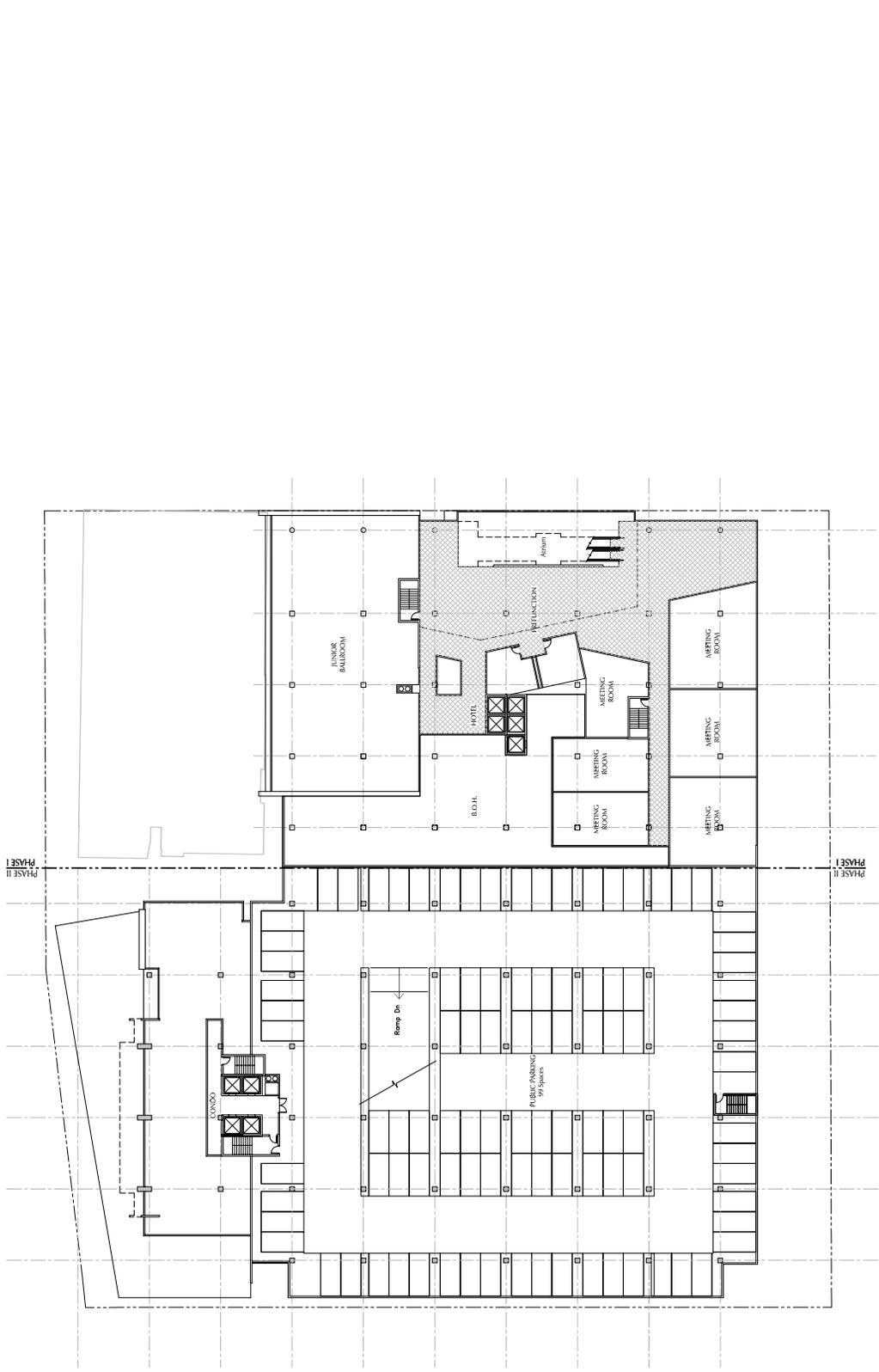
DDO City of Tempe  
 60 E. RIO SALADO PARKWAY  
 SUITE 200  
 TEMPE, ARIZONA 85281  
 480.638.1100  
 WWW.TEMPEEXPERIENCE.COM

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ONE HUNDRED MILL AVENUE  
 3 WEST FIRST STREET  
 TEMPE, ARIZONA  
 DS071054 PAD07021 REC07054

PAD 13.0  
 Level 4  
 Residential Tower  
 Hotel Meeting Rooms  
 Parking

SUBMITTAL  
 21 DEC 2007  
 PROJECT # 06363



PLANNED AREA DEVELOPMENT OVERLAY FOR "ONE HUNDRED MILL AVENUE"

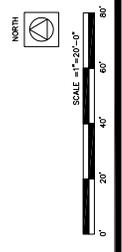
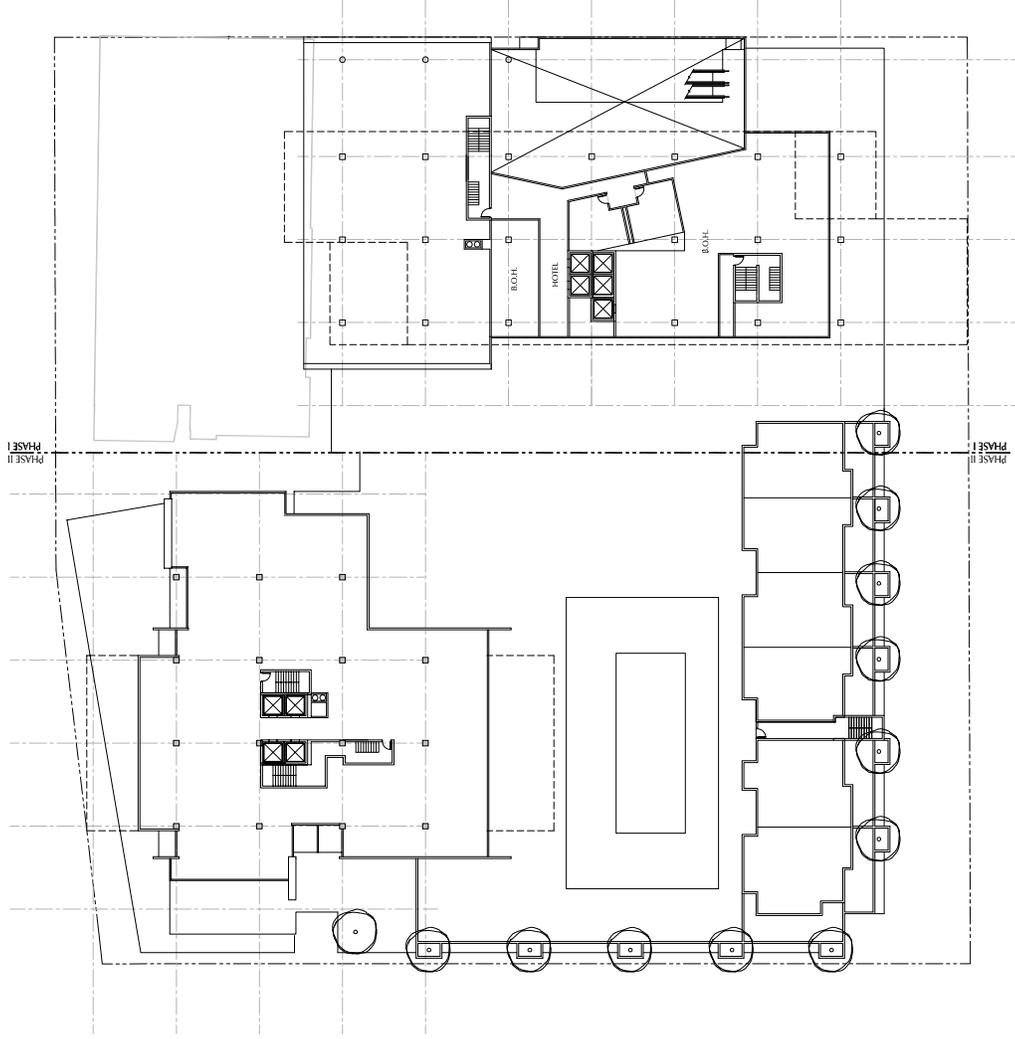
DBD CommunityWorks  
 60 E. RIO SALADO PARKWAY  
 SUITE 200  
 TEMPE, ARIZONA 85281  
 480.638.1100  
 WWW.THEJANISPERIENCE.COM

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 DRAWINGS FOR  
 DEVELOPMENT APPROVAL  
 ONLY

ONE HUNDRED MILL AVENUE  
 3 WEST FIRST STREET  
 TEMPE, ARIZONA  
 DS071054 PAD07021 REC07054

PAD 14.0  
 Level 5  
 Residential Tower  
 Phase 2 Pool Deck

SUBMITTAL  
 21 DEC 2007  
 PROJECT # 06363



DS071054 PAD07021 REC07054

PLANNED AREA DEVELOPMENT OVERLAY FOR "ONE HUNDRED MILL AVENUE"

DDO City of Phoenix

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SUITE 200  
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DRAWINGS FOR  
DEVELOPMENT APPROVAL  
ONLY

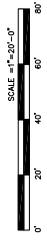
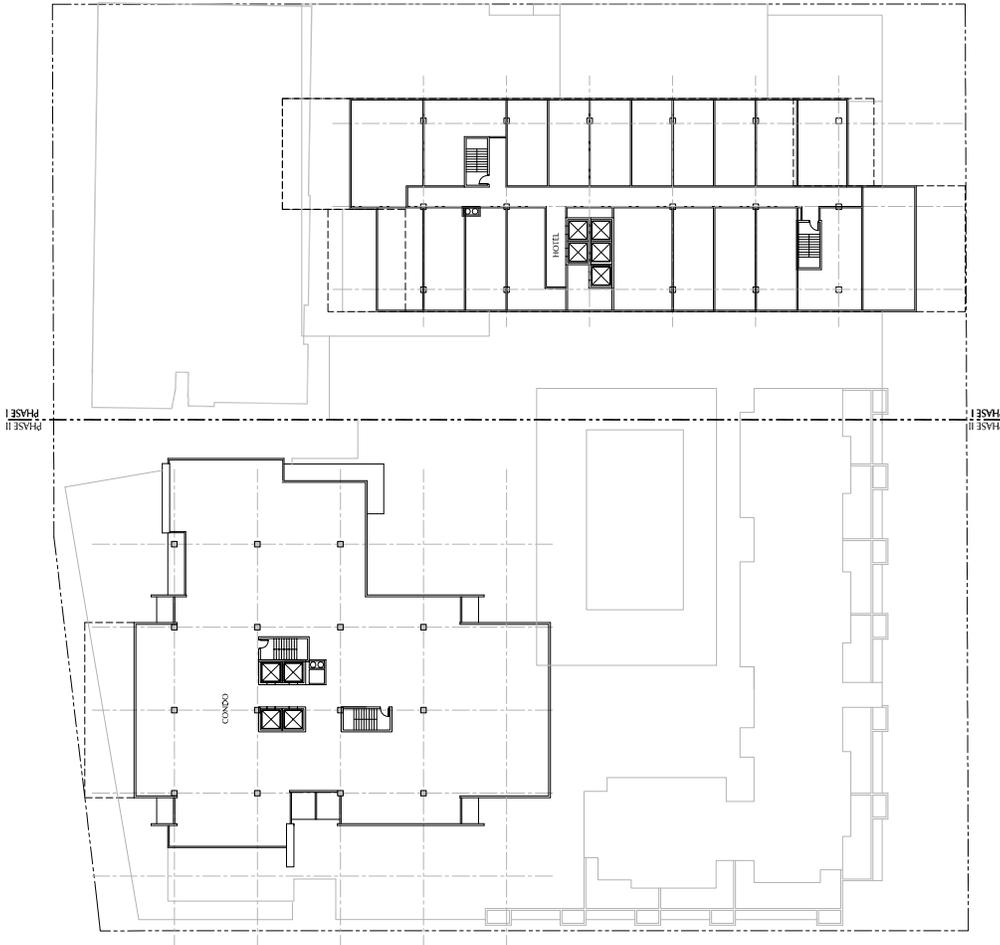
ONE HUNDRED MILL AVENUE  
3 WEST FIRST STREET  
TEMPE, ARIZONA

DS071054    PAD07021    REC07054

PAD 15.0

Levels 6-12  
Residential Tower  
Floor

SUBMITTAL  
21 DEC 2007  
PROJECT # 06363



DS071054    PAD07021    REC07054

PLANNED AREA DEVELOPMENT OVERLAY FOR "ONE HUNDRED MILL AVENUE"

DDO CityofPhoenix

60 E. RIO SALADO PARKWAY  
SUITE 200  
TEMPE, ARIZONA 85281  
480.638.1100  
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DRAWINGS FOR  
DEVELOPMENT APPROVAL  
ONLY

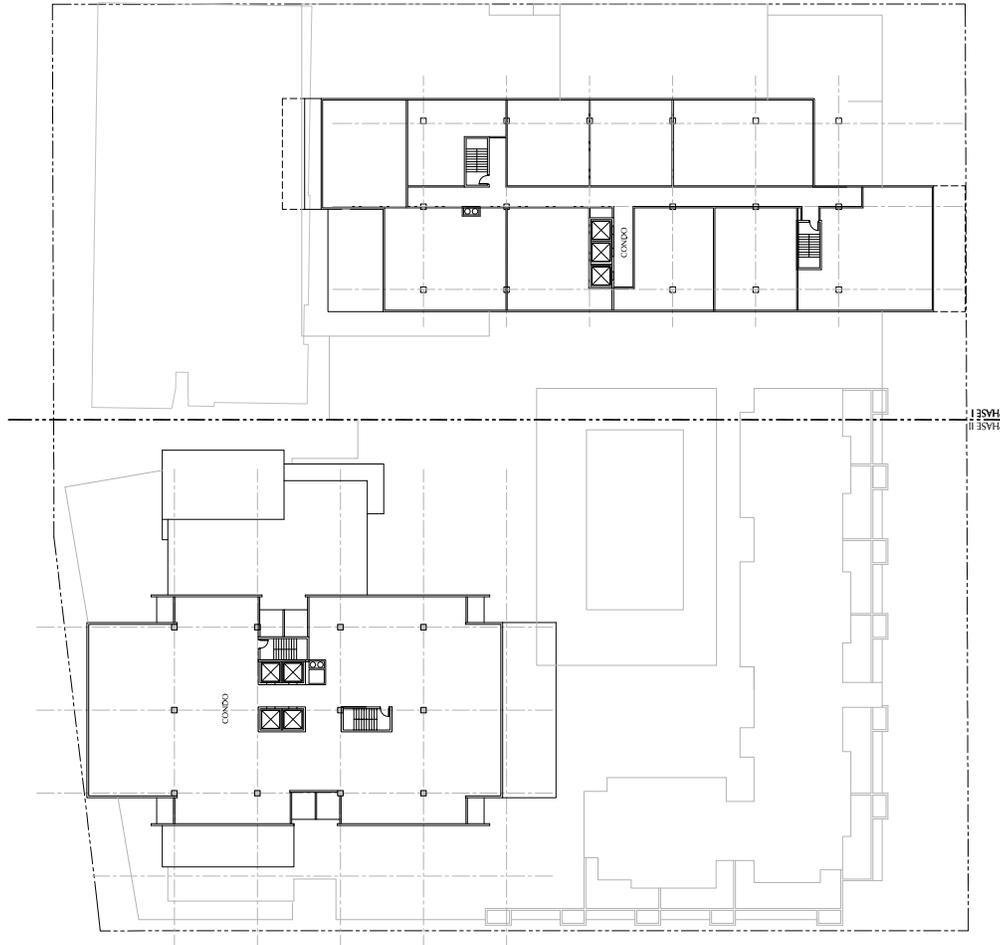
ONE HUNDRED MILL AVENUE  
3 WEST FIRST STREET  
TEMPE, ARIZONA

DS071054 PAD07021 REC07054

PAD 16.0

Levels 12-25  
Residential Tower  
Phase I

SUBMITTAL  
21 DEC 2007  
PROJECT # 06363



DS071054 PAD07021 REC07054

PLANNED AREA DEVELOPMENT OVERLAY FOR "ONE HUNDRED MILL AVENUE"

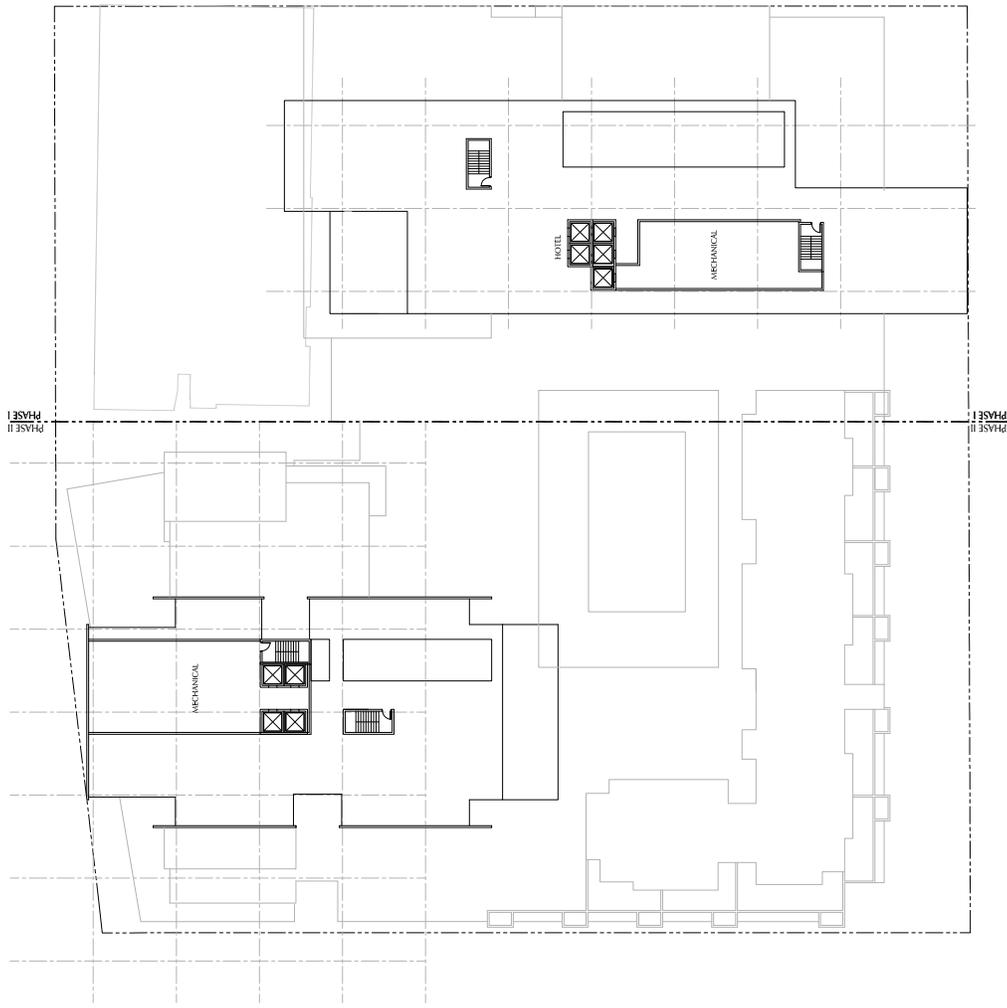
DDO *Design District*  
60 E. RIO SALADO PARKWAY  
SUITE 200  
TEMPE, ARIZONA 85281  
480.638.1100  
WWW.THEDAVISOFFICE.COM

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DRAWINGS FOR  
DEVELOPMENT APPROVAL  
ONLY

ONE HUNDRED MILL AVENUE  
3 WEST FIRST STREET  
TEMPE, ARIZONA  
DS071054 PAD07021 REC07054

PAD 17.0  
Roof Deck

SUBMITTAL  
21 DEC 2007  
PROJECT # 06363



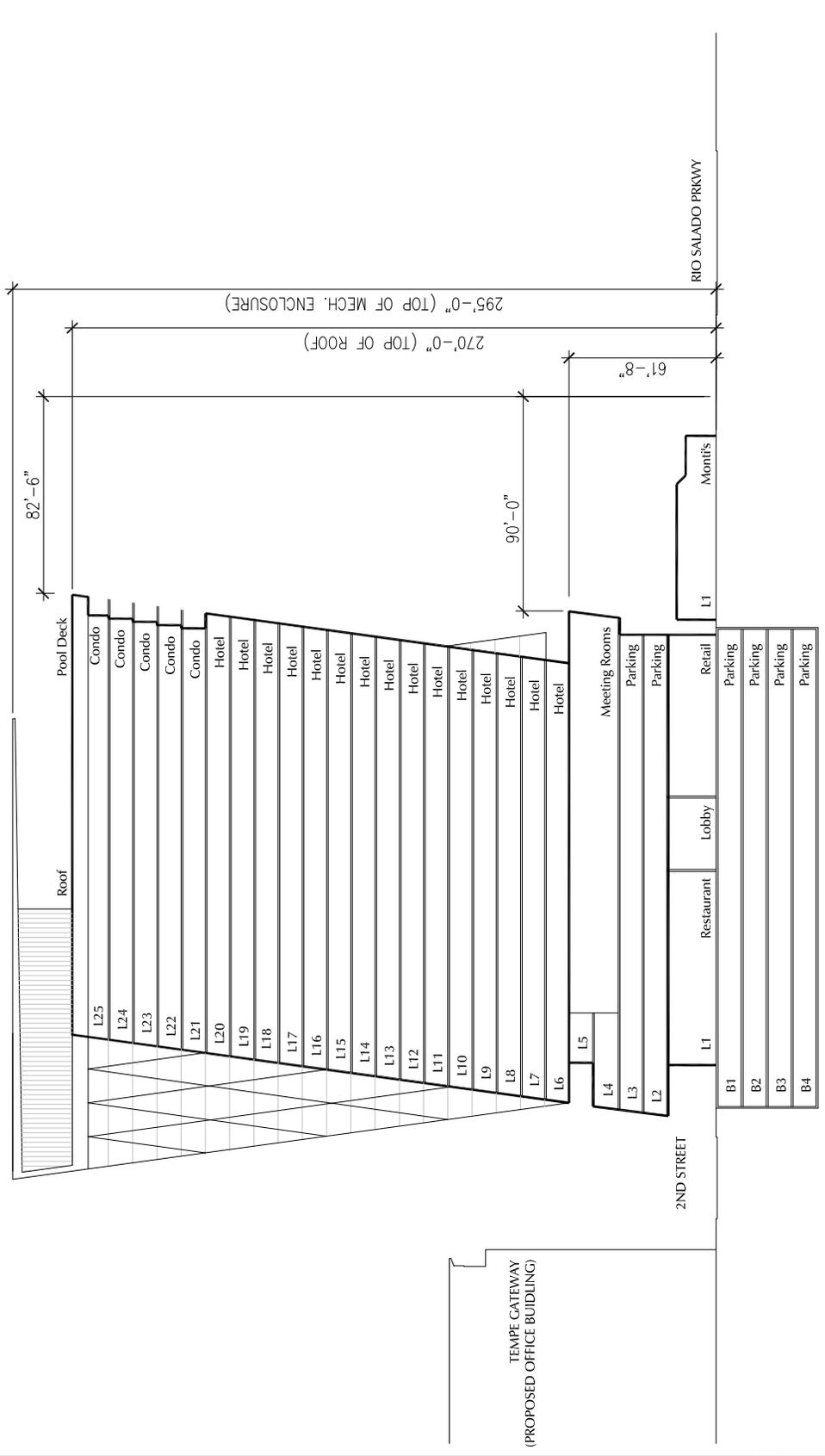
DS071054 PAD07021 REC07054

# PLANNED AREA DEVELOPMENT OVERLAY FOR "ONE HUNDRED MILL AVENUE"

DTD *Design/Construct*  
 615 RIO SALADO PARKWAY  
 SUITE 200  
 TEMPE, ARIZONA 85281  
 480.638.1100  
 WWW.DTDANEXPERIENCE.COM

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ONE HUNDRED MILL AVENUE  
 3 WEST FIRST STREET  
 TEMPE, ARIZONA  
 DS071054    PAD07021    REC07054



**PAD 18.0**  
 Stacking Diagram  
 SUBMITTAL  
 21 DEC 2007  
 PROJECT # 06363

DS071054    PAD07021    REC07054

# PLANNED AREA DEVELOPMENT OVERLAY FOR "ONE HUNDRED MILL AVENUE"

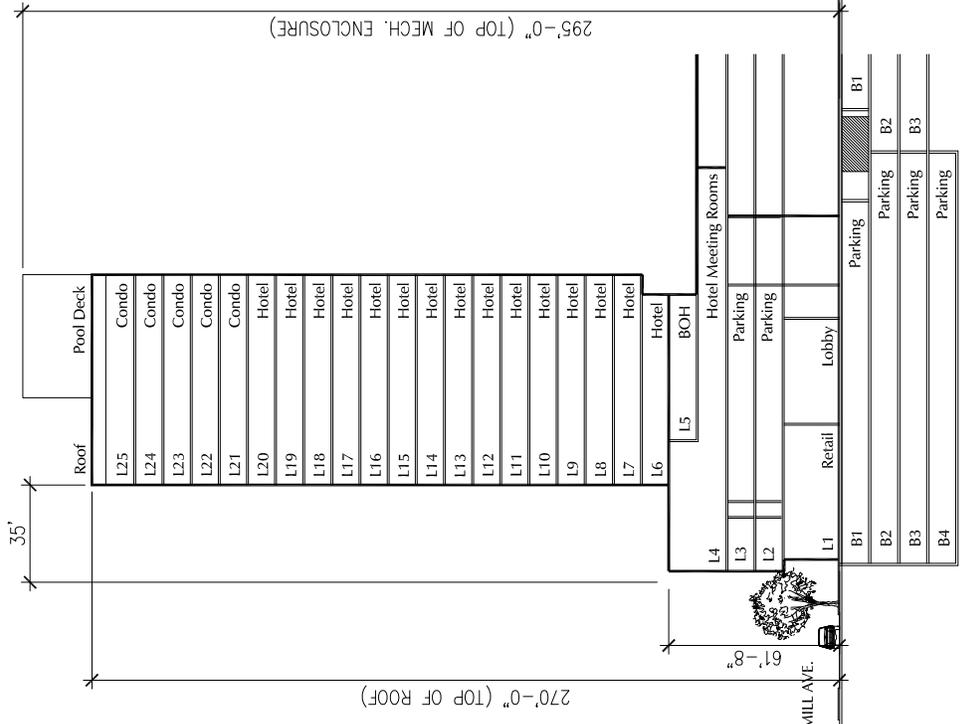
DDO *Design/Draw/Construct*  
 60 E. RIO SALADO PARKWAY  
 SUITE 200  
 TEMPE, ARIZONA 85281  
 480.638.1100  
 WWW.THEDAVISPERFORMANCE.COM

NOT FOR CONSTRUCTION  
 DRAWINGS FOR  
 DEVELOPMENT APPROVAL  
 ONLY

ONE HUNDRED MILL AVENUE  
 3 WEST FIRST STREET  
 TEMPE, ARIZONA

DS071054    PAD07021    REC07054

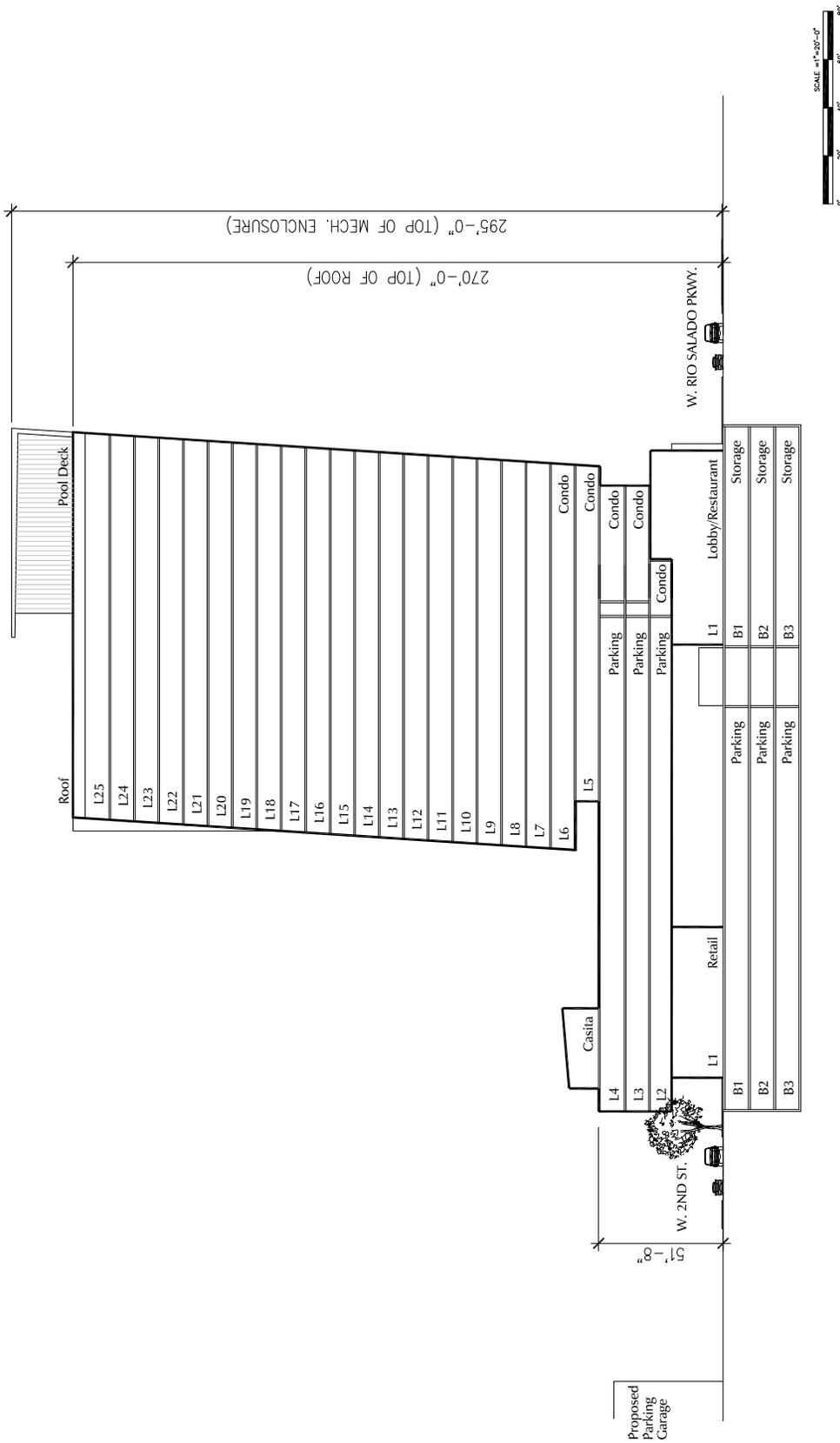
PAD 19.0  
 Stacking Diagram  
 SUBMITTAL  
 21 DEC 2007  
 PROJECT # 06363



DS071054    PAD07021    REC07054

# PLANNED AREA DEVELOPMENT OVERLAY FOR "ONE HUNDRED MILL AVENUE"

Phase 2



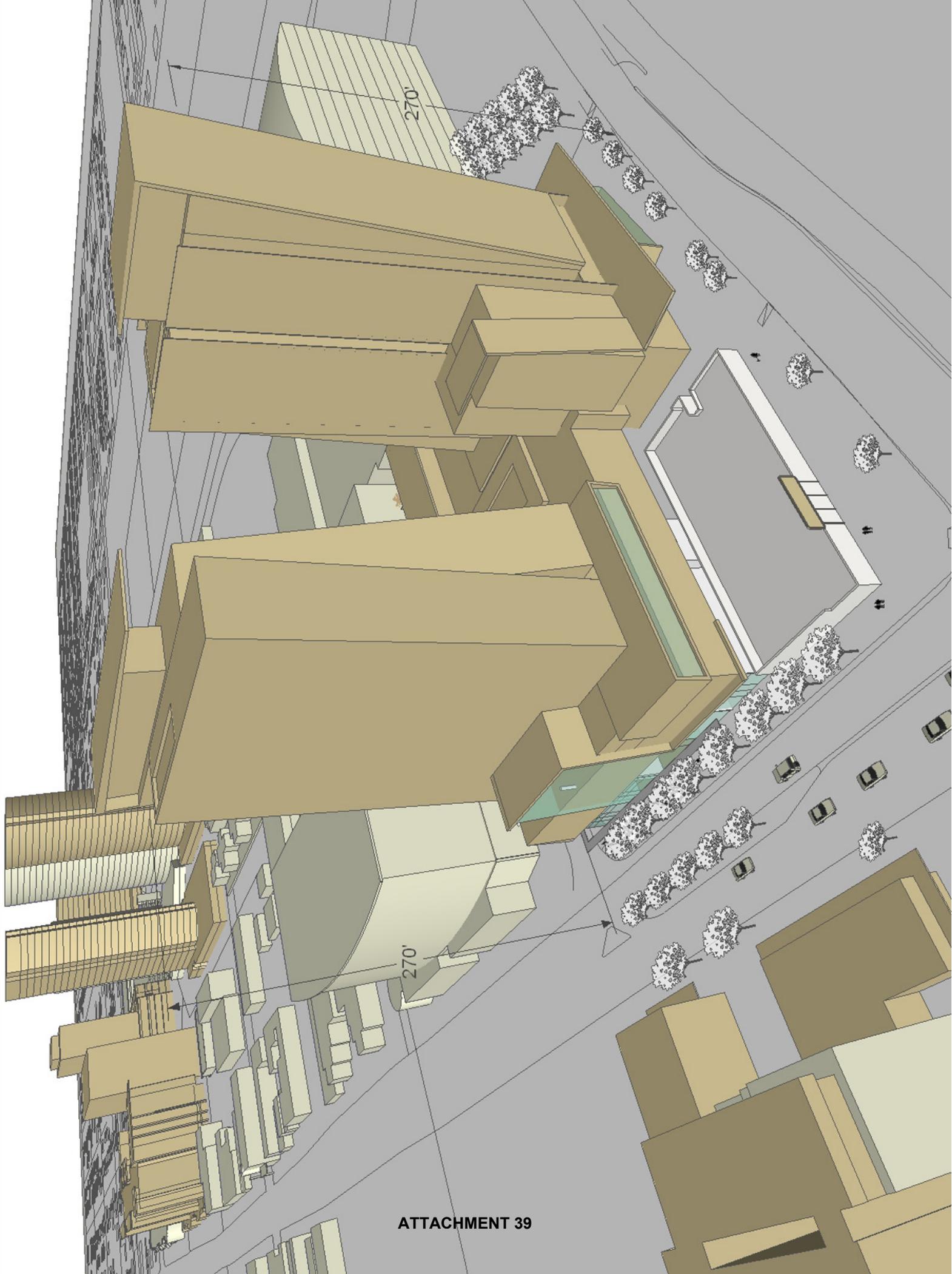
DS071054 PAD07021 REC07054

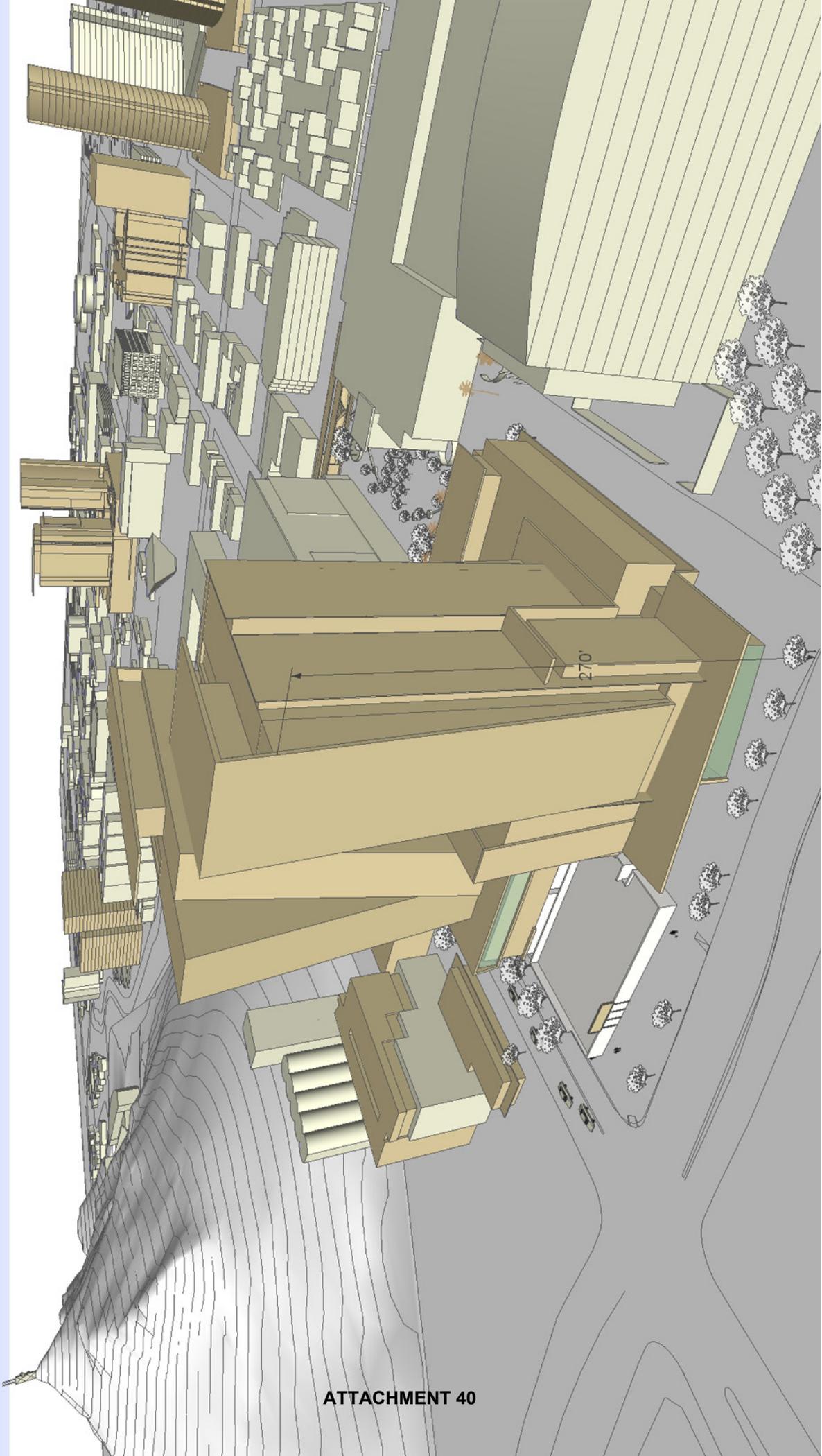
**PAD 20.0**  
Stacking Diagram  
SUBMITTAL  
21 DEC 2007  
PROJECT # 06363

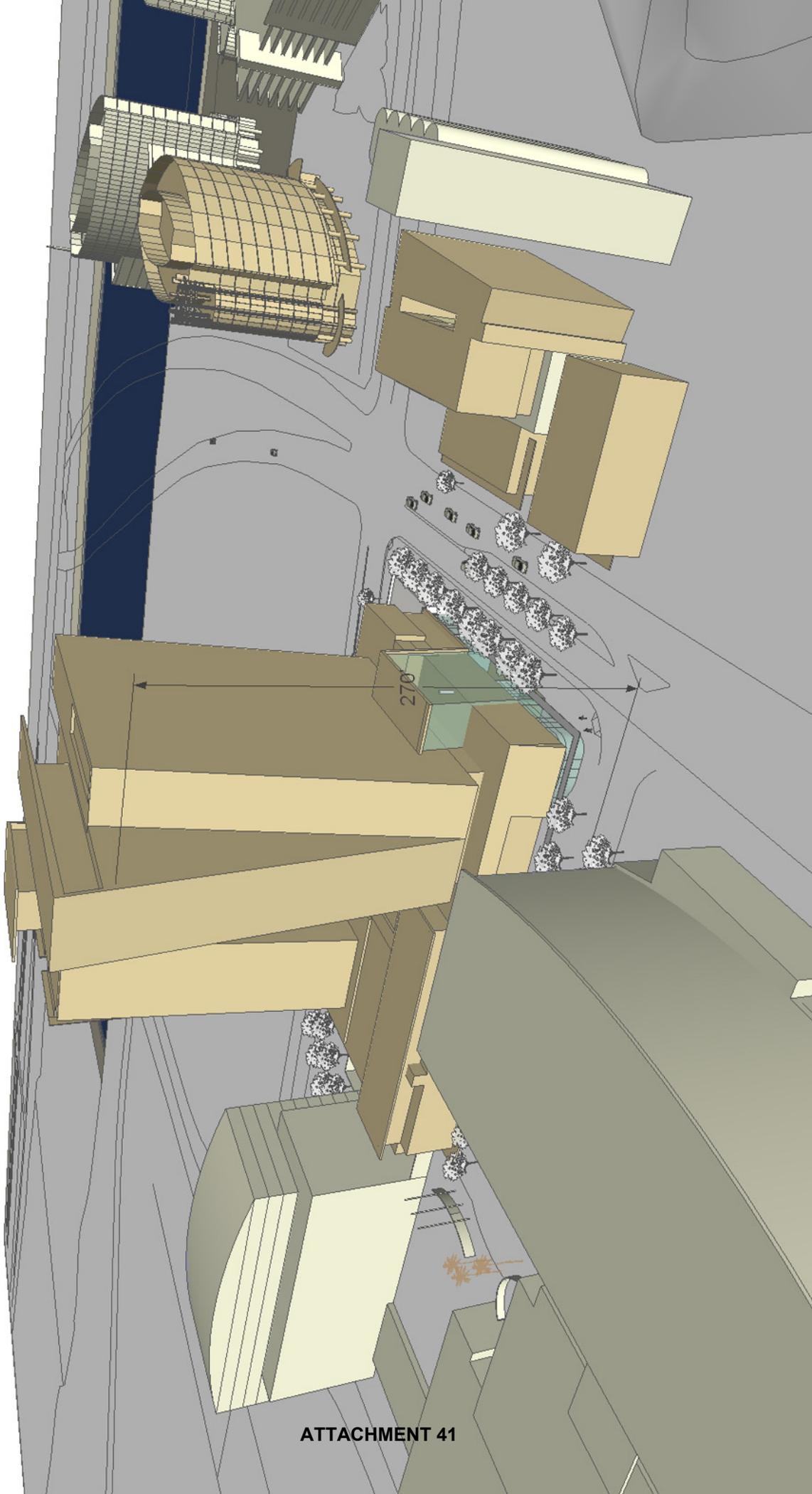
DDO *Design/Construct*  
60 E. RIO SALADO PARKWAY  
SUITE 200  
TEMPE, ARIZONA 85281  
480.638.1100  
WWW.THEDAVISPERFORMANCE.COM

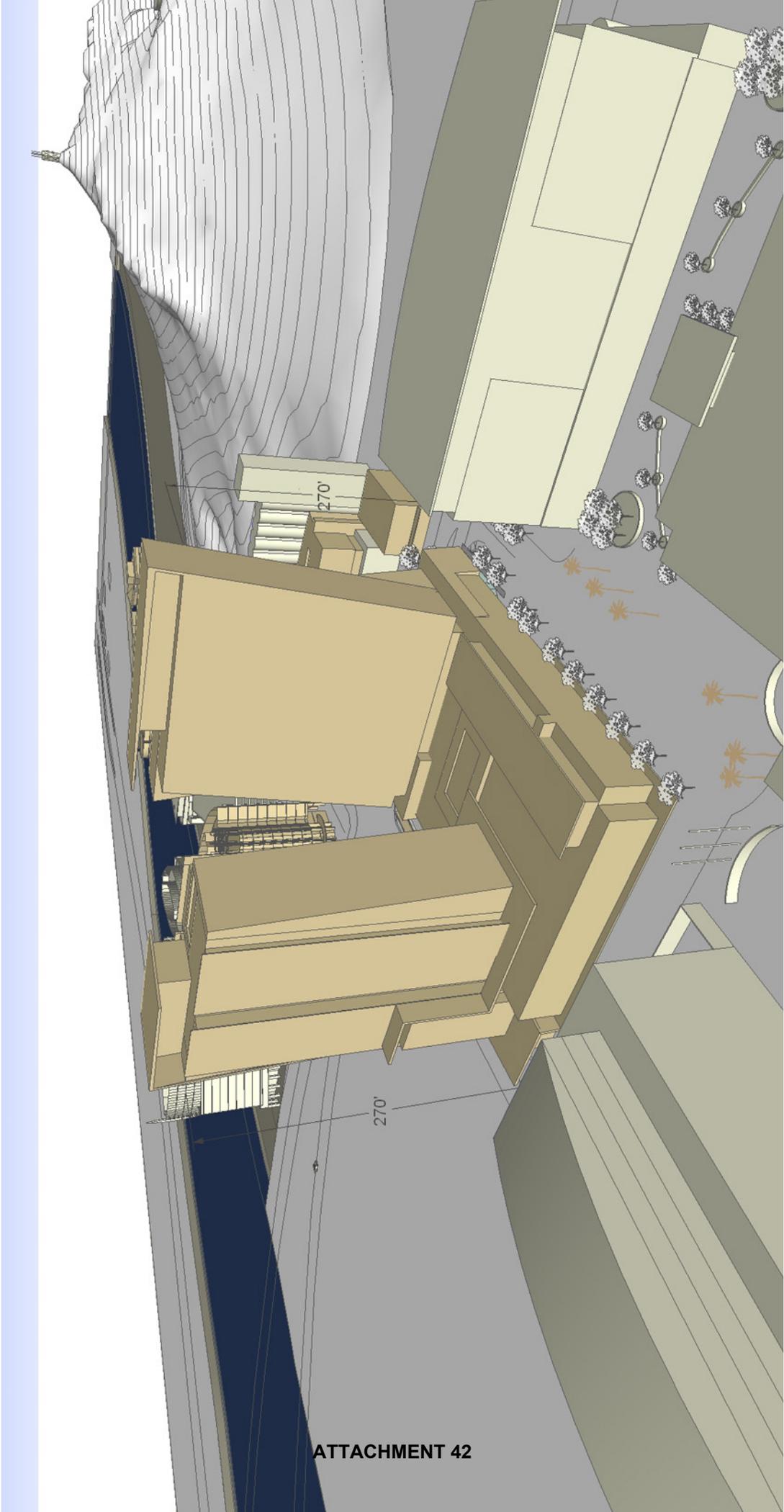
NOT FOR CONSTRUCTION  
DRAWINGS FOR  
DEVELOPMENT APPROVAL  
ONLY

ONE HUNDRED MILL AVENUE  
3 WEST FIRST STREET  
TEMPE, ARIZONA  
DS071054 PAD07021 REC07054











September 25, 2007

TO: Lisa Collins, Deputy Director Development Services

FROM: Chris Wilson, Vice President Operations Downtown Tempe Community

RE:

A Downtown Tempe Community Review Team recently had the opportunity to review plans for the proposed project known as 100 Mill Avenue as presented by 3W Companies. After review, the team is overall supportive of the project as it creates a vital link between South Mill Avenue, North Mill Avenue, and Town Lake. However, there were several suggestions and recommendations put forth by the team which we wish to have considered:

1. Along the Maple Avenue and 2<sup>nd</sup> Street alignments, we recommend the elimination of any raised curbs in favor of an at grade parking and pedestrian plaza.
2. In order to improve pedestrian connections to Tempe Beach Park, we recommend the installation of a signalized pedestrian crossing across Rio Salado Parkway at the Maple Avenue alignment.
3. Serious consideration be given to vaulting all APS power equipment at the site to improve the pedestrian feel and overall appearance of the project.
4. In order to ensure that La Casa Vieja is adequately enhanced, we recommend that additional thought be put into the clearances above and around the historic structure to include additional step backs from the corner of Mill Avenue & Rio Salado Parkway.
5. This project will stand at the entrance to the Mill Avenue District. As such, we recommend that the developer partner with the City of Tempe, Suncor and Avenue Communities to create an entry feature at the intersection of Rio Salado Parkway and Mill Avenue. This feature could include gateway features, a roundabout and/or a statue of Carl Hayden to emphasize the importance and historical significance of the area.

Additionally, the committee expressed concern over the ability of La Casa Vieja to remain on the historic register following this development and would request that determination be made prior to moving forward.

Should you, your staff, the DRC or City Council have any questions about these recommendations, feel free to contact us. We would further like to request the opportunity to review any subsequent design changes to the project prior to final submittal to the DRC.



**City of Phoenix**  
AVIATION DEPARTMENT

October 9, 2007

Ms. Lisa Collins  
Deputy Development Services Manager  
Planning Division  
City of Tempe  
P.O. Box 5002  
Tempe, AZ 85280

Re: Height of Development for the "One Hundred Mill Avenue" Project

Dear Ms. Collins:

I am writing this letter to formally express our concerns regarding the maximum height of development for the One Hundred Mill Avenue (Monti's) project in Tempe. The proposed height of this building will adversely impact Sky Harbor Airport, one of Arizona's most important economic assets. It is our understanding that this case will go before the City of Tempe, Development Review Commission on October 23, 2007 and request that each member of the commission receive a copy of this letter.

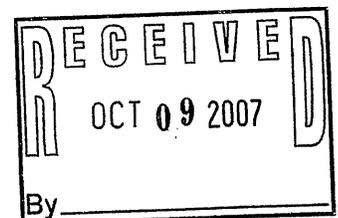
Both, City of Phoenix and U.S. Airways personnel met with the developer on September 13, 2007, to discuss the planned development heights and the associated impacts to aircraft safety, efficiency, and capacity of the airport to serve air carrier operations. The developer indicated that they will not lower the building heights unless required to by the City of Tempe.

Currently the proposed 300 foot building height exceeds the One-Engine Inoperative (OEI) departure slope by approximately 80 feet. Federal Aviation Regulations require that airlines base all takeoff performance on the failure of one engine. **We believe the "safe height" of development is 1,375 feet above mean sea level or approximately 220 feet tall.** Attached is a map that references the development site in relationship to Sky Harbor's runways.

We encourage the City of Tempe to limit the allowable maximum height of development to fall below the OEI obstruction height for this project. This procedure is consistent for departing aircraft to the west over the City of Phoenix.



AIRPORTS COUNCIL  
INTERNATIONAL  
NORTH AMERICA



Airspace protection is a priority to the City of Phoenix and our stakeholder airlines. We believe that all reasonable measures should be taken to protect the airspace so that future aircraft operations can enjoy the efficiency, safety and payload capability that Sky Harbor currently possesses.

Thank you for the opportunity to comment on this important matter. We look forward to your response.

Sincerely,



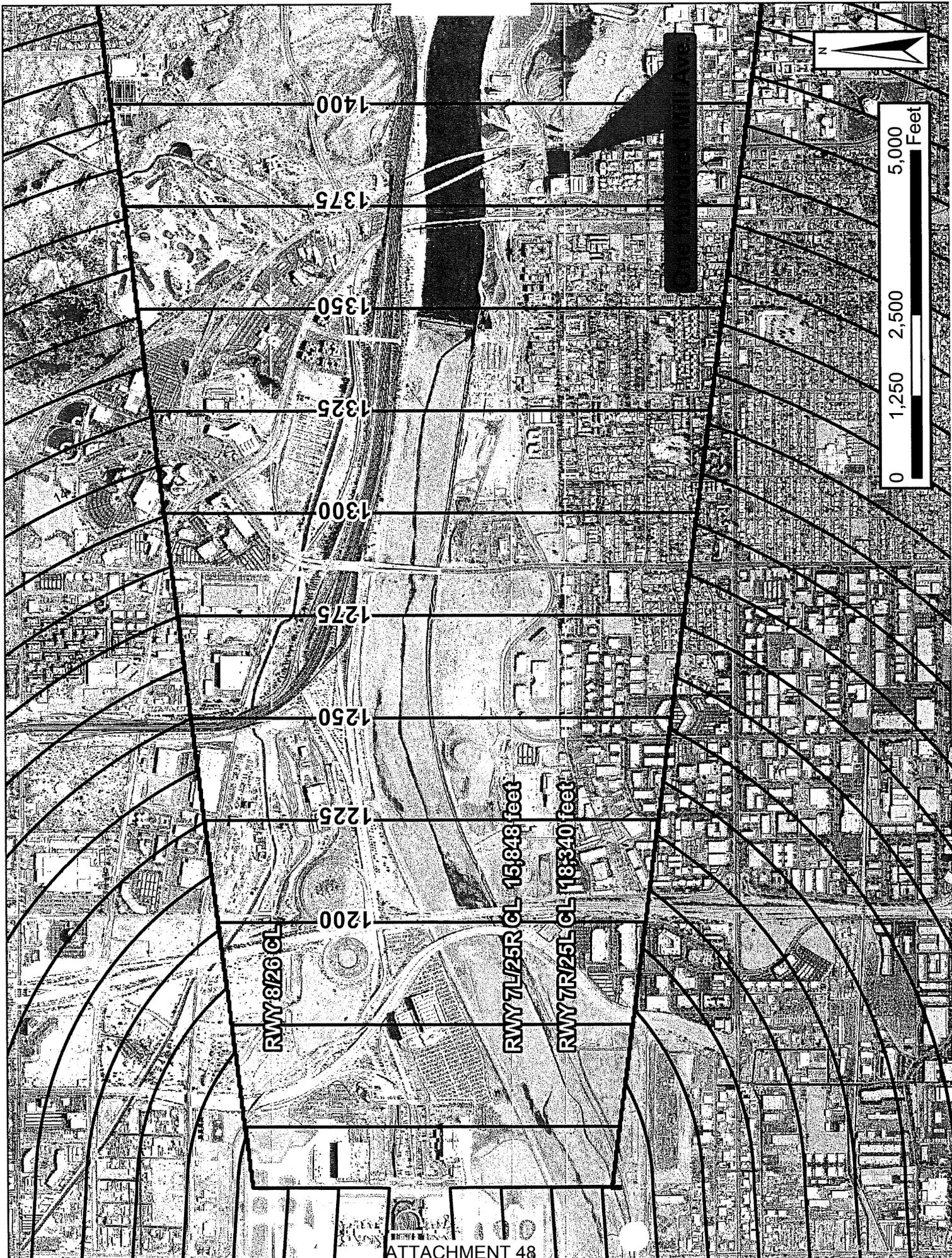
Danny W. Murphy  
Aviation Director

Attachment

cc: Mark McClardy, Manager, Airports Division FAA, Western-Pacific Region  
Jeff Kulaga, Interim City Manager, City of Tempe  
David Krietor, Deputy City Manager, City of Phoenix  
Christopher Anaradian, Development Services Manager  
Michael Monti, property owner  
Tony Wall, 3W Companies

G:\PLN\Height Zoning & Land Use\Tempe Planned Projects\One Hundred Mill Ave - Monti's\Draft Letter 9 Oct 2007.doc

One Hundred Mill Ave.





## Memo: DTC Design and Planning Objectives Report

Downtown Tempe Community Design Hot Team

October 17, 2007

Subject: One Hundred Mill Avenue

### Recommendations:

- Allow more space directly over La Casa Vieja and extend the north columns upwards to the third floor. This would allow additional sunlight onto the north patio area, as well as onto the original adobe walls.
- Allow the N.E. corner of La Casa Vieja to be exposed. By reducing the length of the floors above the original building, this would allow additional light onto the historical structure and allow more visibility to the restaurant.
- By creating the space above, signage could still be prominent at the N.E. corner exposing the adobe walls and not hiding them from visibility.
- Push for plaza street treatment on Rio Salado and Maple and 2<sup>nd</sup> street to facilitate pedestrian traffic.
- Exclude the use of oak trees when choosing a tree palette for the site.
- Correct the misalignment of 2<sup>nd</sup> street on the east side of Mill Avenue, as it opposes the west entry point of 2<sup>nd</sup> street of Mill Avenue. Consider options to persuade the property owner to accommodate this public infrastructure need and maintain a true historic grid form.
- Work with city transit to design a bus stop that is worthy of this prominent and historic location.

Downtown Tempe Community, Inc.

310 South Mill Avenue, Suite A-201, Tempe, Arizona 85281

phone: (480) 968-7882

ATTACHMENT 49

Comments: Convene a design charrette to develop concepts for a traffic roundabout and/or other traffic calming at the Mill Avenue/Rio Salado Parkway in the Mill Avenue District. Address the need to keep traffic slowly moving at this critical entry point into our community and honor the need and desire to accommodate pedestrians. By accomplishing this, the intersection should also consider pedestrian access to the park from the bridges, Hayden Ferry Lakeside, Tempe Beach Park and the Hayden Flour Mill. By incorporating all the features from above, this should be the most spectacular intersection in the state. While honoring Tempe's history and the statue of Charles Trumbull Hayden this intersection will serve as both a current and future pathway into future of Tempe. Participants in the charrette should include, but not be limited to:

- Streets and Traffic Engineering
- Transit
- Parks and Recreation
- Community Development
- Suncor
- 3W
- Avenue Communities
- Downtown Tempe Community
- Project for public Spaces

We thank you for your consideration and look forward to working with you.

Downtown Tempe Community Design Hot Team.



• T • E • M • P • E •  
**PRESERVATION**

**HISTORIC PRESERVATION  
COMMISSION**

Mike Deskin  
Elias Y. Esquer  
Bob Gasser, Chair  
Dan Killoren  
Ann Patterson  
Stu Siefer, RA  
Liz Wilson, Vice-Chair

Alternate Members:  
Stephen DeLacey Idle  
Donna Marshak



**HISTORIC PRESERVATION  
OFFICE**

Joe Nucci, RA  
Hansen, Planner  
Mark Vinson, City Architect



The City of Tempe is a  
Certified Local Government,  
in association with the United  
States Department of the  
Interior / National Park Service



Tempe Historic  
Preservation Office  
Community Development  
Department  
21 East 6<sup>th</sup> Street, Suite 208  
P.O. Box 5002  
Tempe, AZ 85280



**480.350.8028**  
8579 FAX; 8913TDD



# Tempe Historic Preservation Office **STAFF REPORT**

MEETING DATE: 08 November 2007

**Proposed Alterations to THPR #11 - C.T. Hayden House [Monti's La Casa Vieja]**  
One Hundred Mill Avenue, 100 S. Mill Ave. [SPR 07096]

## **OVERVIEW**

A complete application for alteration of the *C.T. Hayden House – Monti's La Casa Vieja* has been received by the Tempe Historic Preservation Office. The property, located at the southwest corner of Mill Avenue and Rio Salado Parkway and listed on the Tempe Historic Property Register [20 January 2000] and the National Register of Historic Places [10 October 1984], has been proposed for redevelopment. A concurrent application for Planned Area Development has been submitted to the Development Services staff for Development Review Commission [DRC] consideration. Tempe Historic Preservation Commission [THPC] approval is required prior to granting of any final permit or approval of the project by the City [denial by THPC subject to appeal to City Council].

## **HISTORY + FACTS**

The C. T. Hayden House / La Casa Vieja is arguably the most significant historic resource in Tempe. The house is important for its rare architectural qualities with embody the building's evolution from a traditional Mexican style row house [1873-1889], to its subsequent use as a boarding house [1890-1924], through its stylistic restoration and conversion to a restaurant [1924-present]. The Hayden Family made significant contributions to the settlement and development of the Territory as well as to the educational and political history of the state. Built in 1873, the house is significant for its continued association over the past 110 years with the growth of Tempe and is now the oldest remaining building in the Salt River Valley.

The early Anglo-American settlers in the Valley utilized indigenous materials and architectural designs to construct houses and commercial buildings. Adobe structures constructed in the native Sonoran style were economical and suitable for the climate. Later, as railroads allowed the acquisition of industrial materials, new homes included bricks, glass windows, and milled lumber but kept a Sonoran form. Other imported changes soon followed and architecture began to increasingly reflect a combination of Spanish-Mexican and American traits, as did much of the population. By the turn of the twentieth century, however, adobe houses were increasingly seen only in low-income, largely Mexican-origin enclaves, as the Anglo population turned to brick for their homes. Several of the early homes exist today, included in the many National Register Historic Districts in Tucson and Nogales. In Tempe, the C. T. Hayden House / La Casa Vieja stands as a unique reminder of a persistent, vibrant settlement culture that adapted native materials and methods which had evolved over centuries in response to regional conditions and a deeply rooted long-term connection to the land.

Charles Trumbull Hayden founded the townsite in 1871 and by 1876 had moved permanently to Tempe from Tucson. Between 1858 and 1888, Hayden became one of the largest freighters in the southwest. He played a significant role in the expansion of the western United States by providing supplies to many of the first settlements in the Territories of New Mexico and Arizona. Hayden was an influential figure in the early political and educational development of Arizona, and was the force behind the location of the State's first Normal School [now Arizona State University] at Tempe.

His son, Senator Carl T. Hayden's unsurpassed 57-year tenure in the U. S. Congress began in 1912 and ended in 1968. A powerful political figure, Senator Hayden's most significant accomplishments were in the areas of reclamation, irrigation, Federal highway legislation, and woman's suffrage. Charles Hayden's daughter, Sallie Hayden, enjoyed a 33-year career as a teacher at the Normal School and was also instrumental in the revival of the C. T. Hayden House / La Casa Vieja as a restaurant in 1924. The restoration, was directed by Sallie and her sister Mapes, and supervised by Robert T. Evans, who was to become Arizona's premier resort architect, is possible the earliest restoration project undertaken in the state.

In 1954, the building was purchased by Leonard F. Monti, Sr. Monti had been operating a 13-stool diner in Chandler since 1946, having come to Arizona following World War II. After waiting for the tenant's lease to expire, Monti opened his new restaurant for business in April 1956. He was keenly aware of the property's illustrious heritage, and rather than entirely renaming the establishment he merely added his last name, dubbing it "Monti's La Casa Vieja." Monti diligently cultivated the historical aspects of La Casa Vieja, putting hundreds of pieces of memorabilia, photographs and unique objects on display throughout the restaurant. Senator Carl Hayden, late in his life, paid a number of visits to his childhood home, affording Monti an opportunity to question him about the building's intriguing history.

In 1984, the Hayden House was listed on the *National Register of Historic Places*. The certificate for this prestigious honor can be found on the wall near the restaurant's main customer entrance. Additionally, Monti's La Casa Vieja is listed on the *Arizona Historic Property Register* [1984] and the *Tempe Historic Property Register* [1999]. Although many alterations and additions have been made to the structure over the decades, these changes have always been made to further the original function of the Hayden House as a place of comfort and hospitality. Monti's is as authentically historic as any institution to be found in the Valley of the Sun.

## ANALYSIS

[See attached materials provided by applicant.]

The subject property, in addition to its listing on the THPR and NRHP, is identified in *General Plan 2030* as Mixed-Use and in the Zoning and Development Code as City Center [CC], the Rio Salado Overlay District and the Transportation Overlay District. It is also included in the area of interest of the *Downtown / Mill Avenue District Community Design Principles* [copies previously distributed], identified as Heritage Core. Adjacent properties and uses include Tempe Beach Park [including Tempe Beach Stadium, THPR #12] and Mill Avenue Bridge [THPR #8] to the north, Hayden Flour Mill [THPR-pending] and Tempe-Hayden Butte [City Preserve / THPR-pending] to the east, parking and a planned multi-story commercial development to the south and the 9-story US Airways Corporate Headquarters to the west.

In general, redevelopment in the area has long been sought and encouraged, with pressure on the subject property, considering its pre-eminent gateway position to the Downtown / Mill Avenue District and proximity to Tempe Town Lake, particularly high. Therefore, it is no surprise that a proposal such as this should be brought forth at this time. At issue before the THPC is the impact of the proposed development on the historic resource and appropriate mitigation. Proposed demolition of late additions on the south side of Hayden House would not affect the integrity of the resource. Likewise, the addition of new structures at densities comparable with current trends in the area, in a "compatible yet distinct" architectural expression is reasonable and, if sensitively positioned, articulated and massed, would not overly impact the most significant portions of the resource and could provide the economic and functional means for preservation.

Initially as submitted, the development would retain the oldest portions of the structure, along with the courtyard (later enclosed). Together, these elements form a rectangular, one-story mass that would be preserved in its entirety, albeit with some interior modifications. A 315' high contemporary building tower would have become superimposed directly over the historic building form. However, no support columns penetrated the historic portions of the building, those being located on the perimeter, to the north / Rio Salado Parkway frontage. The high-rise tower extended to the south property line, with a second tower of similar height, but different massing, proposed as a future phase directly to the east. In general, the height, character and articulation of the proposed structures was compatible with the City Council-accepted and Downtown Tempe Community-supported *Downtown / Mill Avenue District Community Design Principles*,

however further "step-downs" in the building height / mass Along the Mill Avenue frontage and toward the northeast are suggested by the Design Principles.

As revised, none of the development is superimposed directly over the primary historic building or enclosed courtyard, although some upper portions of the southwest tower [Phase I] may overhang somewhat. Otherwise, overall building heights and massing are similar to that of the original proposal. The applicant is currently pursuing PAD approval from the DRC and City Council. If approved, a subsequent submittal for approval of building design to the DRC, including elevations, building materials, colors and details will be required.

## **RECOMMENDATION**

Recognizing that the C.T. Hayden House, together with the nearby Hayden Flour Mill, constitute the most significant historic resource in Tempe, if not the entire metropolitan area, meaningful preservation and interpretation of the most significant portions of that resource is paramount to the community. The significance of the Hayden House derives from its historical association with the Hayden family and the early development of Hayden's Ferry, later Tempe, together with its architectural status as the oldest remaining "Sonoran row-house" adobe structure in Tempe and possibly the entire metropolitan area. Conversations with the State Historic Preservation Officer and research into the building type and form (Florence Townsite, A.T. by Sobin, et al) indicate that successful visual interpretation of the structure would depend primarily on the perception of its historic 'L'-shaped configuration, depth and single-story mass.

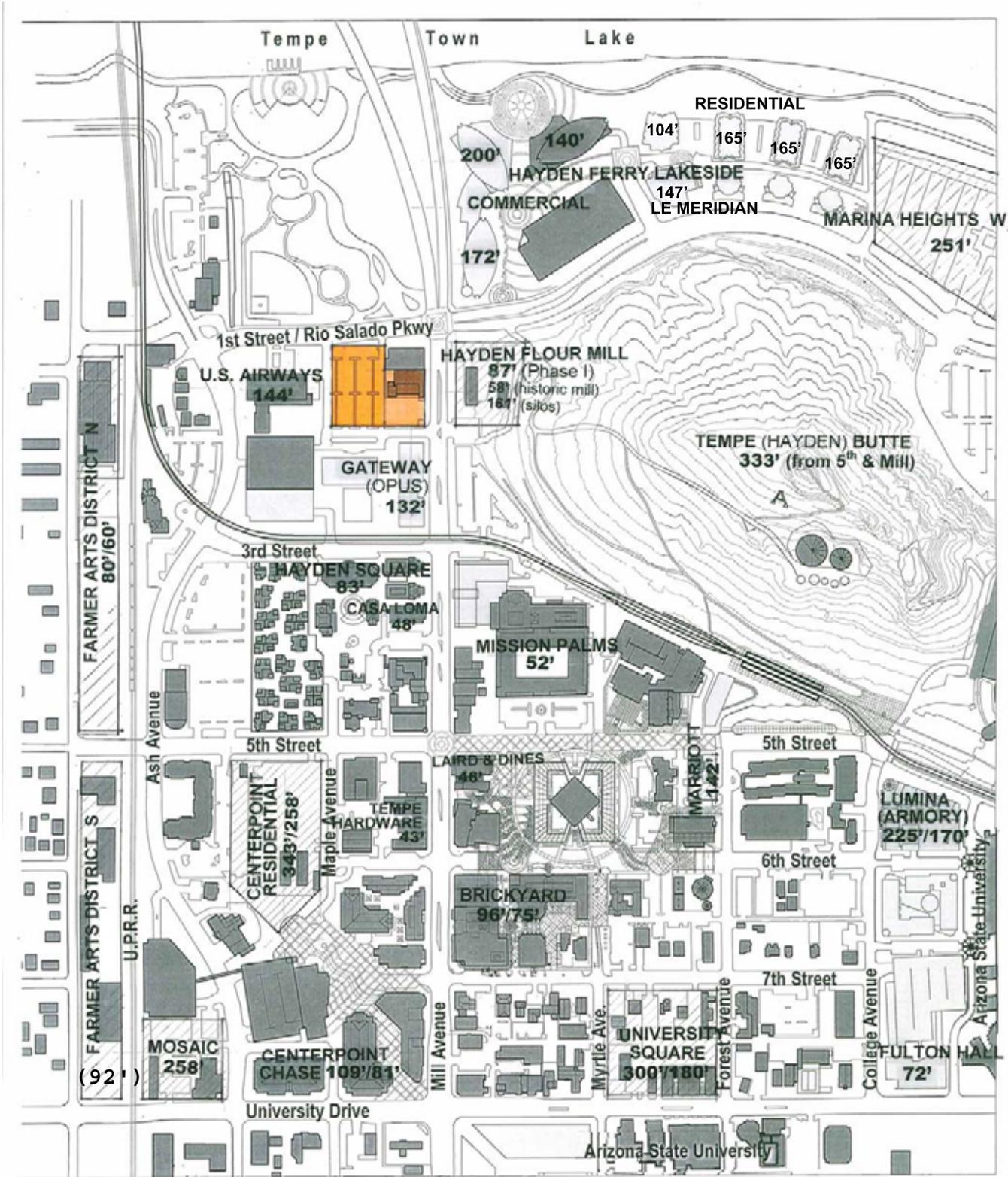
Therefore, with respect to proposed alterations to *Tempe Historic Property Register #11 - C.T. Hayden House [Monti's La Casa Vieja]*, the THPO staff recommends approval of the conceptual / PAD stage of the proposed project as presented, subject to the following conditions:

1. Historic signage / interpretive element be added to project at Rio Salado Parkway façade to inform public of historic 'L'-shaped Sonoran row-house [period of significance] as well as the Hayden and Monti family association / significance.
2. Any structured parking immediately to the south or west of and above the historic building to be screened with permanent, designed glazing, scrim or screen [could be a public art component] instead of massive solid wall / undetermined mural.
3. Conduct geotechnical testing prior to structural design to determine subsurface conditions. Based on testing submit an Historic Preservation Plan, structural report, structural details, and indication of methods for protecting existing site features during construction. Tempe Historic Preservation Office approval of the Preservation Plan is a condition precedent to permit issue.
4. Prepare a Phased Archaeological Treatment Plan for areas scheduled for ground disturbing activities. The Treatment Plan will be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation [48 FR 44734-37]. Tempe Historic Preservation Office approval of the Treatment Plan is a condition precedent to permit issue.
5. Cantilevered overhangs above not to extend over the historic 'L'-shaped Sonoran row house portion of the structure below.
6. Building elevations, materials and design details, with respect to their compatibility with and sensitivity to the historic resource are subject to HPC approval prior to final design review approval by Development Review Commission.

Submitted by:

*Joe Nucci*, Tempe Historic Preservation Officer  
*Hansen*, Planner  
*Mark Vinson*, City Architect

**DOWNTOWN TEMPE  
EXISTING AND APPROVED BUILDING HEIGHTS**



U-S AIRWAYS

4000 E. Sky Harbor Blvd.  
Phoenix, AZ 85034  
480.693.5773  
Fax: 480.693.2859

RECEIVED

07 DEC -5 AM 11:28

TEMPE-DEVELOPMENT  
SERVICES DEPARTMENT

Paul M. Lambert  
Vice President  
Corporate Real Estate

December 5, 2007

**HAND DELIVERED**

Jan Hort  
City Clerk  
City of Tempe  
31 East Fifth Street  
Box 5002  
Tempe, AZ 85280

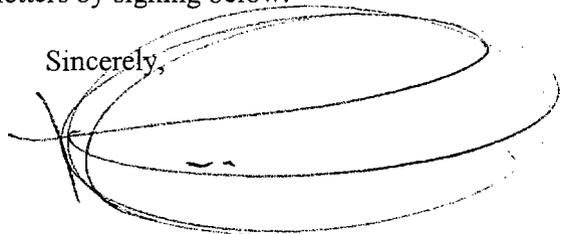
Re: One Hundred Mill Avenue Planned Area Development Overlay  
Request PAD07021/City of Tempe Ordinance No. 2007.67

Dear Ms. Hort,

Attached please find letters of opposition signed by AWHQ LLC and America West Holdings Corporation to the above referenced rezoning case. At the request of W.P. Carey, I am also filing a letter of opposition signed by Fly (CD) LLC to the above referenced case. The enclosed letters are signed by all of the owners of fee title to the properties adjoining the western and southern boundaries of the "Monti's site" which is the subject of the above referenced rezoning case. Originals of these letters are being hand delivered to you on December 5, 2007 with copies to Planning Director Lisa Collins and City Attorney Andrew Ching.

Please acknowledge receipt of these letters by signing below.

Sincerely,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke.

cc: Lisa Collins  
Andrew Ching

I acknowledge receipt of the above referenced  
opposition letters on December 5, 2007.

\_\_\_\_\_  
City Clerk

ATTACHMENT 55



**AWHQ LLC**  
**111 West Rio Salado Parkway**  
**Tempe, AZ 85281**

November 28, 2007

Jan Hort  
City Clerk  
City of Tempe  
31 East Fifth Street  
Box 5002  
Tempe, Arizona 85280

**Re: One Hundred Mill Avenue Planned Area Development Overlay  
Request PAD07021/City of Tempe Ordinance No. 2007.67**

Dear Ms. Hort:

I am the duly authorized representative of AWHQ LLC, the owner of a 74.58% interest in that parcel of land more commonly described as Maricopa County Assessor Parcel Number 132-29-181-E, which is located within 150 feet of the west property line boundary of the above-referenced Planned Area Development Overlay request. I am writing to advise you that AWHQ LLC is **OPPOSED** to the One Hundred Mill Avenue Planned Area Development Overlay request in Application No. PAD07021.

Attached are copies of the following:

1. Exhibit A: APN 132-29-181-E - owned in part by AWHQ LLC; and
2. Exhibit B: Arizona Corporation Commission Membership information for AWHQ LLC.

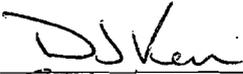
The AWHQ property directly abuts the subject site and makes up greater than 20% of the area adjacent to the subject property. I hereby request a three-quarter vote of the full City Council pursuant to A.R.S. § 9-462.04.H and City of Tempe City Code § 6-502.C.

Sincerely,

Property Owner Signature: APN 132-29-181-E

**AWHQ LLC**, a Delaware limited liability company

**MEMBER:** AMERICA WEST HOLDINGS CORPORATION, a Delaware corporation

By:   
Its: Sr. VP & CFO

0:\INDEX\US Airways\Letters\AWHQ Legal Protest.doc

**America West Holdings Corporation  
111 West Rio Salado Parkway  
Tempe, AZ 85281**

November 28, 2007

Jan Hort  
City Clerk  
City of Tempe  
31 East Fifth Street  
Box 5002  
Tempe, Arizona 85280

**Re: One Hundred Mill Avenue Planned Area Development Overlay  
Request PAD07021/City of Tempe Ordinance No. 2007.67**

Dear Ms. Hort:

I am the duly authorized representative of America West Holdings Corporation, the owner of that parcel of land more commonly described as Maricopa County Assessor Parcel Number 132-29-181-D, which is located within 150 feet of the south property line boundary of the above-referenced Planned Area Development Overlay request. I am writing to advise you that America West Holdings Corporation is **OPPOSED** to the One Hundred Mill Avenue Planned Area Development Overlay request in Application No. PAD07021.

Attached are copies of the following:

1. Exhibit A: APN 132-29-181-D - owned by America West Holdings Corporation; and
2. Exhibit B: Arizona Corporation Commission information for America West Holdings Corporation.

The America West Holdings Corporation property directly abuts the subject site and makes up greater than 20% of the area adjacent to the subject property. I hereby

request a three-quarter vote of the full City Council pursuant to A.R.S. § 9-462.04.H and City of Tempe City Code § 6-502.C.

Sincerely,

Property Owner Signature: APN 132-29-181-D

**AMERICA WEST HOLDINGS CORPORATION**, a Delaware corporation

By:   
Its: Sr VP & CFO

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**FLY (CD) LLC**  
c/o W.P. Carey & Co. LLC  
50 Rockefeller Plaza, 2nd Floor  
New York, New York 10020

November 28, 2007

Jan Hort  
City Clerk  
City of Tempe  
31 East Fifth Street  
Box 5002  
Tempe, Arizona 85280

**Re: One Hundred Mill Avenue Planned Area Development Overlay  
Request PAD07021/City of Tempe Ordinance No. 2007.67**

Dear Ms. Hort:

I am the duly authorized representative of FLY (CD) LLC, the owner of an undivided 74.58% interest in that parcel of land more commonly described as Maricopa County Assessor Parcel Number 132-29-181-E, which is located within 150 feet of the west property line boundary of the above-referenced Planned Area Development Overlay request. I am writing to advise you that FLY (CD) LLC is **OPPOSED** to the One Hundred Mill Avenue Planned Area Development Overlay request in Application No. PAD07021.

Attached are copies of the following:

1. Exhibit A: APN 132-29-181-E - owned in part by FLY LLC; and
2. Exhibit B: Arizona Corporation Commission information for FLY (CD) LLC.

The FLY (CD) LLC property directly abuts the subject site and makes up greater than 20% of the area adjacent to the subject property. I hereby request a three-quarter

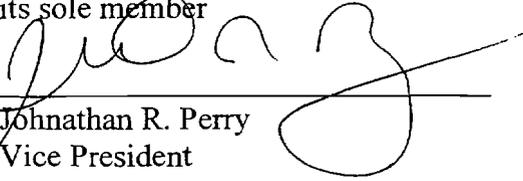
vote of the full City Council pursuant to A.R.S. § 9-462.04.H and City of Tempe City Code § 6-502.C.

Sincerely,

Property Owner Signature: APN 132-29-181-E

**FLY (CD) LLC**, a Delaware limited liability company

By: CAREY REIT II, INC.,  
a Maryland corporation,  
its sole member

By:   
Name: Johnathan R. Perry  
Title: Vice President

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